



NGO „Human Rights Protection“



Kyiv Theological Academy and Seminary



NGO „Public Advocacy“

STATEMENTS AND EVIDENCES ON CHURCH SEIZURES, ARRESTS OF BISHOPS AND LEGAL DESTRUCTION OF THE UKRAINIAN ORTHODOX CHURCH IN UKRAINE



Statements at UNHRC by NGO's, Kyiv Theological Academy and Seminary, UOC dioceses on violations of the rights of believers of the Ukrainian Orthodox Church, facts, evidences, cases, videos, media publications available by link:

www.protiktor.com/uoccases

Dear Friends,

This brochure contains some statements of the non-governmental human rights organization "Public Advocacy" regarding violations of the rights of the believers of the Ukrainian Orthodox Church.

The brochure begins with the appeal by Archbishop Sylvester, Rector of the Kyiv Theological Academy and Seminary, to international organizations, diplomats, human rights activists, and educational institutions in connection with the expulsion of this institution from the territory of the Kyiv Pechersk Lavra.

Here, you will also read about violations of rights such as bills on "banning the UOC", seizures of temples, expropriation of land plots under the temples already built by believers, and other violations. Today several metropolitans of the UOC are facing serious criminal charges, and in some cases, bishops have been even sentenced to prison terms for their rhetoric. Such sentences are highly controversial.

Therefore, we request the attention of journalists and media to this issue, as well as all people of goodwill who can help stop these blatant violations of the believers' rights.

We are preparing to once again report on the violations of the rights of the UOC at the 54th session of the UN Human Rights Council (September-October 2024) and are ready to provide you with additional information upon your request.

It is crucial that the world becomes aware of the violations of the rights of the UOC through media publications, statements from independent journalists, lawyers, human rights activists, politicians, diplomats, and scholars.

We are highly interested in gaining the support of lawyers who work in the European Union and other countries, and who are able to assist in the defense of the UOC believers' rights.

We encourage you to contact us with any questions you like and look forward to your proposals at this address: ngopublic@proton.me.

You can find an updated page with materials on violations of the rights of the UOC on our website at the following link: www.protiktor.com/UOCCASES

With respect and hope for cooperation,

Oleh Denysov
President of NGO "Public Advocacy"

Content of the brochure:

1. Interview with Metropolitan Theodosius of Cherkassy and Kaniv, accused of committing a criminal offense for his statements.
2. Statement of Kyiv Theological Academy and Seminary "Appeal regarding the legal status of the Kyiv Theological Academy and Seminary of the Ukrainian Orthodox Church, located on the territory of the Kyiv-Pechersk Lavra, in connection with certain actions of the state authorities".
3. Statement of Archbishop Victor of Khmelnytsky and Starokostiantyniv, on behalf of the Khmelnytsky Eparchy regarding violations of human rights of UOC believers on the territory of diocese.
4. Statement of NGO "Public Advocacy" „On arbitrary detentions and disappearances of clergy of the Ukrainian Orthodox Church”.
5. Statement of NGO "Public Advocacy" "On criminal cases against the episcopate of the Ukrainian Orthodox Church, state decisions on outlawing the church and mass withdrawal of land plots."
6. Statement of NGO "Public Advocacy" "On the seizure of Kyiv-Pechersk Lavra temples, deprivation of bread and water, arrests of activists of the Ukrainian Orthodox Church".
7. Joint written statement submitted by Public Organization "Public Advocacy", VšĮ "Žmogaus teisių apsauga" "On the appeal of the Kyiv Theological Academy and Seminary of the Ukrainian Orthodox Church to the UN HRC, UN OHCHR, UN special mandate holders, international organisations in connection with violations of their rights in Ukraine".
8. Statement of NGO “Public Advocacy” “Case Study Update: New Criminal Cases Against the Orthodox in Ukraine“.
9. Statement of NGO „Public Advocacy” “On acts of religious enmity of state agents in Ukraine toward the Ukrainian Orthodox Church“.

Interview with Met Feodosiy



A brief account:

Metropolitan Feodosiy (Denis Leonidovich Snigirev) is the administrator of the Cherkasy and Kaniv Eparchy of the Ukrainian Orthodox Church, which consists of 12 monasteries with 325 residents, including monks, nuns, and novices. The eparchy includes 305 religious organizations, uniting tens of thousands of Orthodox Christians. His Eminence is an active professor at the Kyiv Theological Academy and holds a candidate's degree in theology.

In 2023, Metropolitan Feodosiy was charged with criminal offenses under Articles 161, part 1, and Article 436/2, parts 2 and 3 of the Criminal Code of Ukraine, initiated by the Security Service of Ukraine. The case is currently in the trial stage.

1. Please tell us about the current situation in the Ukrainian Orthodox Church and what, in your view, is indicative of its relationship with state authorities?

To provide a detailed description of the current problems facing the Ukrainian Orthodox Church, one would need to review extensive materials. However, in brief, our denomination is currently in an extremely dire situation. This has to do with a number of church raids, numerous acts of explicit violence against our believers, discrimination, aggressive behavior towards our faithful by radically minded individuals, and sadly, even by state agents. There have been cases of severe beatings of our believers, causing them serious injuries. Our churches are not only seized but also set on fire.

In 2023, local authorities began adopting mass decisions to "ban the UOC" in their territories, decisions to terminate land use rights, including those on which our believers have already built cathedrals and churches. Undoubtedly, hostile sentiments are fueled and, I would say, artificially programmed by information campaigns against our Church. In other words, we are dealing with a systemic process of depriving us of the rights to the churches we have built and restored, as well as unprecedented discriminatory deprivation of our right to even have our own name.

In particular, the so-called "Law on Renaming the UOC" has come into force, according to which all our communities and monasteries are obliged to change their names and indicate in them their alleged "belonging to the Russian Federation." Naturally, in the context of the war, such a requirement is aimed at further marking all our believers as "politically unreliable," which will lead to new conflicts and disputes on religious grounds.

Finally, a bill on a complete ban on the UOC on the territory of Ukraine is being actively promoted in the Parliament of Ukraine. At the same time, representatives of the highest echelon of the Ukrainian government actively comment on the restrictions on our rights as a kind of boon for Ukraine. All this leads to the even more increased persecution of our believers.

2. Is the open criminal case against you related to the strained relationship between the UOC and the authorities? What are your tactics and defense strategy in this case, and what specifically are you accused of?

The criminal case against me was initiated under articles 161, part 1, and 436/2, parts 2 and 3 of the Ukrainian Criminal Code, which pertain to "inciting interreligious discord" and "justifying aggression by the Russian Federation against Ukraine." As the case materials have shown, it was opened based on a report from a unit of the Security Service of Ukraine (SBU). I mean it was initiated directly by representatives of the government upon monitoring several of my public interviews with Ukrainian television channels, both regional and national, as well as public sermons on religious topics.

In short, the essence of all the accusations against me is that I expressed the opinion and belief that the "Orthodox Church of Ukraine" created by the Ecumenical Patriarch, the bishops and clergy serving there, have caused a schism among Orthodox believers and Churches. In my view, which is based on my knowledge of canon law, canons, and my theological academic degree, such actions violate church law and canons.

The charges against me are essentially based on only one piece of evidence – a linguistic expert opinion, meaning the opinion of a psychologist who read the statements attributed to me by the prosecution, including those taken out of context and without consideration of norms of church law, theological norms, and numerous precedents for freedom of speech in decisions by the European Court of Human Rights. This expert provided a prosecutable “expert opinion”. In the conditions of Ukraine, my lawyers were unable to find an alternative institution so that it could prepare a second, alternative opinion on the issues that were subject to examination in this expert assessment.

For example, my stance regarding the episcopate of the UOC having apostolic succession (a position accepted by every Orthodox Church in the world) as opposed to the episcopate of the OCU (a position questioned by the overwhelming majority of Orthodox Churches in the world) was evaluated by the expert as "signs of religious intolerance," "dominance over other denominations," "evidence of unwillingness to cooperate with other religious denominations," which, according to the expert, indicates a "behavioral component of hostility" that could "potentially sow mutual distrust among people of different religious denominations."

These expert opinions form the basis of the accusations against me under Article 161 of the Ukrainian Criminal Code. Of course, this primarily demonstrates a lack of understanding and awareness by the expert of the inherent polemics in interfaith relations. Furthermore, there is no objective element of the criminal offense envisaged by Article 161 of the Ukrainian Criminal Code, which would involve incitement to commit any unlawful actions against citizens belonging to

other religious communities or those not adhering to any religion in my words. Such an element could not possibly be there.

In my statements, there were no and could not be any calls for the seizure of churches or any violent or other actions against the clergy of the "OCU" or that denomination, nor even a hint of legal discrimination against the OCU. It was solely a theological position within the framework of ecclesiology and canonical law. After all, theological deliberations are a consequence and the exercise of the right to freedom of belief, freedom of thought and expression, the freedom to express one's views and convictions, which are, in particular, provided for in the Constitution of Ukraine. As a pastor and the head of the UOC eparchy, I considered and consider it my duty and right to openly express my convictions, also using the freedom of speech.

However, the authorities have decided that the "OCU" and its bishops must be shielded from any criticism, and any negative rhetoric about this denomination, which enjoys exclusive state protection, is not permissible at all.

3. However, it turns out that due to your critical statements, you face the possibility of imprisonment, meaning an actual prison sentence?

Yes, that's correct. The situation in Ukraine right now is such that the authorities have de facto targeted several bishops of the UOC in order to conduct show trials against them and send a message to other believers that the struggle for their rights and legal protection in Ukraine for UOC supporters is ineffective, even in such a sphere as religious activities. For instance, a guilty verdict has already been issued against Metropolitan Ionafan (Yeletsikh)¹ of Tulchyn and Bratslav, sentencing him to 5 years of imprisonment. The verdict was based on his critical statements and rhetoric, and the full text of the verdict is available in open sources and on the website of the Ukrainian judicial registry system. In addition, hearings are ongoing regarding the abbot of the Kyiv Pechersk Lavra, Metropolitan Pavel (Lebed), who faces charges for both public and private statements. He is currently released on bail and under house arrest. These are

¹ <https://spzh.news/en/news/75336-chancellor-bishop-of-tulchyns-sentence-proves-the-persecution-of-the-uoc>

just the criminal charges against bishops of the Church, and there are many more criminal cases opened against ordinary believers and clergy.

4. What about freedom of speech? Do UOC believers enjoy the same protection from criticism and statements from opponents within the OCU?

I must say that freedom of speech in defense of the UOC in Ukraine is suppressed precisely by such criminal prosecutions. Moreover, freedom of religion and belief is eroded as well because limitations on expressing one's views based on religious doctrine and canons have always been recognized as a protected freedom under international law. This is no longer the case in Ukraine. Furthermore, those who incite religious hatred against our denomination are not held legally accountable, despite numerous complaints from our believers to law enforcement agencies. Both clergy from other denominations and representatives of radical organizations, and often even government officials, use not just "critical rhetoric" towards UOC believers but openly call for the seizure of churches and "crucifixion" of participants in the UOC Cross Procession². They openly commit acts of vandalism (for example, they disrupt religious services and overturn liturgical items³) and accompany these actions with insults and threats, including by officials in various levels of legislative assemblies, on social media, publicly, and in the presence of witnesses. At the same time, you won't find a single criminal charge in Ukraine against the episcopate, clergy from other denominations, or representatives of radical organizations who seize our churches and incite hatred against our believers publicly, openly, on social media, and on the Internet⁴.

5. How are things in your eparchy? Are there cases of violations of the believers' rights, negative statements about the UOC from government officials and other denominations? Please provide examples.

² <https://spzh.news/ru/zashhita-very/52428-brevno-v-glazu-pochemu-minkulyt-ne-zamechajet-razzhiganija-vrazhdy-k-upc>

³ <https://spzh.news/ru/news/26728-sud-obyazal-sledovatelya-vozobnovit-delo-o-zakhvate-khrama-upts-v-chudnitse>

⁴ <https://drive.proton.me/urls/WWSKC2YNV0#Bt9H3vnbyFsJ>

Regarding violations of the believers' rights in the Cherkasy Eparchy, I can testify to them since my appointment as the administrator of the Eparchy. The Holy Synod of the Ukrainian Orthodox Church appointed me to this position on August 17, 2020. Upon my arrival in Cherkasy, our lawyers submitted documents for my registration as the head of the legal entity of the Cherkasy Eparchy, which was denied by the state registrar of the Cherkasy Regional State Administration. The reason stated for the refusal was a "discrepancy between the Eparchy's Statute and the Law on the renaming of your Church." Priests in the eparchy continue to face similar registration problems to this day. Meanwhile, in cases of raider attacks on our temples by representatives of the OCU (Orthodox Church of Ukraine), where raiders falsify the minutes of parish meetings and falsely claim changes in religious affiliation, these changes are entered into the registries by the state registrar of the Cherkasy Regional State Administration on the same day without any procrastination.

Since the beginning of 2022, the situation in the Cherkasy region has worsened. The local media rhetoric varies from provocative (calls to find weapons in the temples and monasteries of the Cherkasy Eparchy) to overtly religiously intolerant, with calls to violate the rights of believers and "transfer" churches to the OCU (read as forcible takeovers of our temples), and so on.

The Security Service of Ukraine (SBU) regularly conducts illegal searches in temples and monasteries of the Eparchy without court authorization, labeling these searches as counter-terrorism operations. Additionally, unwarranted searches have been carried out multiple times at the Cherkasy Eparchy administration. All of this is done by large groups of law enforcement officers carrying automatic weapons. Furthermore, during one of these searches at the historic Krasnohorsk Zolotonosha Nunnery, where the average age of the nuns is 70, SBU officers planted a flag of Novorossiia (a banned symbol in Ukraine) in the nuns' cell.⁵

Afterwards, a campaign to discredit the monastic community of the Cherkasy Eparchy was launched through the media.

⁵ <https://pravlife.org/ru/content/arhierey-prokommentiroval-rezultaty-obyska-v-zolotonoshskom-monastyre-cherkasskoy-eparhii>

For example, on June 23, 2022, the Cherkasy City Council made an unlawful decision to prohibit the activities of the UOC in Cherkasy.⁶ On March 3, 2023, following the city council, a decision identical by implication was made by the Regional Council of the Cherkasy Region, which (only after three attempts, as some deputies still have scruples and resisted external pressure) decided to appeal to the Verkhovna Rada for a complete ban on the UOC.⁷ On May 18, 2023, the Cherkasy city council also appealed to the Verkhovna Rada, with the addition of the termination of the right to permanent use of land plots under the UOC churches in Cherkasy.⁸ At the same time, city deputies turned to me as the administrator of the Cherkasy Eparchy, demanding voluntary relinquishment of the land plots on which we built Orthodox churches with our own efforts. When they naturally received my negative response, litigation on this matter began, which continues to this day.

In the spring of 2023, under pressure from the city authorities, the lease agreement between the Orthodox parish and the first city hospital was terminated. The hospital housed the Temple of the Icon of the Mother of God "Vsezaritsa" ("Pantanasse"). This parish had been operating in a converted space within the hospital for over twenty years. Additionally, the Ss Martha and Mary Sisters of Mercy of the Cherkasy Eparchy, who conducted extensive social work on behalf of the Church, including providing free hot meals to hundreds of needy individuals weekly and more, were simply thrown out onto the streets from their church. The church itself was dismantled and closed.⁹

Cynically and criminally, under the leadership of the city authorities, on June 29, 2023, a meeting of public sector employees was held at the sports stadium, which was presented as a "meeting of the parish community" regarding the

⁶ <https://www.ukrinform.ua/amp/rubric-regions/3513282-u-cerkasah-miskrada-zaboronila-dialnist-upc-moskovskogo-patriarhatu.html>

⁷ <https://www.ukrinform.ua/amp/rubric-regions/3677816-cerkaska-oblrada-prosit-zaboroniti-moskovsku-cerkvu.html>

⁸ <https://suspilne.media/amp/479719-cerkaski-deputati-uhvalili-dva-risenna-sodo-zaboroni-moskovskoi-cerkvi/>

⁹ <https://spzh.news/ru/amp-news/74155-v-cherkassakh-vlasti-otnjali-khram-u-marfo-mariinskoho-sestrichestva-miloserdija>

transition of the Sretensky Temple to the so-called OCU. The city authorities forced public sector employees to attend this meeting under the threat of losing their jobs, and these facts were documented.¹⁰ After the illegal registration of the protocol of this fraudulent "religious community meeting" with the Cherkasy Regional State Administration, the church was seized by force and handed over to the OCU. The priest of the church, Father Yevhen Burkatsky, with his family of eight, including young children, was expelled from their home located on the church grounds.¹¹ This event, along with a statement made by the mayor of Cherkasy on Facebook about the dispersal of "Moscow priests", became a blatant violation of the believers' rights in Cherkasy and the entire region.¹²

Appeals to ban the UOC to the Verkhovna Rada, as well as decisions to cancel the land use rights of the Cherkasy Eparchy for religious buildings, were adopted by the city councils of Kaniv,¹³ Korsun-Shevchenkivskiy,¹⁴ Shpola,¹⁵ and Zolotonosha¹⁶ in the Cherkasy region.

The regional military-civilian administration continues the practice of flagrant violations of the rights of our believers by carrying out illegal re-registration of Cherkasy Eparchy's churches. This goes against the key provisions of the official statutes of our parish communities, with a gross violation of Ukraine's Law on Freedom of Conscience and Religious Organizations, where Article 8 clearly states that only a religious community (whose members are clearly identified

¹⁰ <https://spzh.news/ru/amp-news/74551-v-cherkassakh-rejdery-hotovjat-perevod-v-ptsu-sretenskoho-prikhoda-upts>

¹¹ <https://spzh.news/ru/amp-news/75251-v-cherkassakh-proizoshel-rejderskij-zakhvat-sretenskoho-khrama-upts>

¹² <https://18000.com.ua/strichka-novin/bondarenko-obicyaye-ocholiti-borotbu-proti-moskovskoyi-cerkvi-u-cherkasax-video/>

¹³ <https://www.ukr.net/news/details/cherkasy/94962021.html>

¹⁴ <http://shpola-otg.gov.ua/2022/12/02/na-terytorii-shpolianskoi-hromady-zaboronyly-diialnist-moskovskoho-patriarkhatu/>

¹⁵

<https://argumentua.com/novini/rel-g-ina-korsun-shevchenk-vskomu-na-cherkashchin-pereishla-do-ptsu>

¹⁶ <https://zoloto.city/articles/283493/deputati-zolotonoshi-pozbavili-cerkvi-prava-na-zemlyu>

according to the law and the community's statutes and have fixed membership in the community) can change its canonical affiliation, not simply residents of a village or public sector employees in a city who are not part of any religious community and have never been. Ignoring the genuine official Parish Assemblies of our believers, disregarding their warnings about planned raider-style violations of the law, the Cherkasy Regional State Administration continues to carry out illegal re-registrations of parishes – religious communities, forcibly changing their denominational affiliation from the UOC to the OCU.

Recently, the Smila District Prosecutor's Office filed a lawsuit in the Commercial Court to declare the church property rights to the Holy Assumption Cathedral in Kaniv null and void and transfer it to the State Property Fund of Ukraine.¹⁷

Facts of such discrimination against our Church and its believers in the territory of the Cherkasy Eparchy occur almost daily. How can this be described other than as a full-scale persecution of the Church, a violation of the Constitution of Ukraine and fundamental human rights and freedoms as enshrined in international agreements, treaties, and declarations?

6. What, in your opinion, are the reasons for such an attitude towards the UOC in Ukraine and what is the future prospect of the existence of your denomination?

In my view, the UOC has become a victim of political processes that extend far beyond Ukraine. It cannot be denied that politicians and state authorities, even in democratic countries, seek to use religion for their purposes, often unrelated to the true purpose of the Church in the world – leading people to Christ. Despite international law and national law, including that of Ukraine, guaranteeing non-interference of the state in religious matters, this is not actually happening. In my opinion, it would be more beneficial for the Ukrainian government to abstain from the topic of the canonical connection of our church with the Russian Orthodox Church and not engage in matters of church law and theology, for which the state has neither legal nor professional competence. However, instead

¹⁷ <https://spzh.news/ua/amp-news/75493-na-cherkashchini-khochut-vidibrati-v-upts-sobor-xii-stolittja>

of doing so, the government has started preparing various examinations, attempting to prove our subordination to the church center in Moscow and interpreting it as a factor of Russian Federation's influence on our believers in a political context.

Similarly, in criminal cases, the authorities have begun using disputed "linguistic examinations" to essentially interpret the Church's canons as they see fit, in a political sense. Previously, even after the outbreak of the war, Ukrainian officials in the field of religion adhered to relative neutrality and pursued a policy of conflict restraint on religious grounds, which the OCU attempted to stir up. In other words, the authorities tried not to exacerbate the situation in society. But over time, this proved insufficient for the government, and so criminal prosecutions began, along with the seizure of monasteries from our Church, including significant sanctuaries such as the Kyiv-Pechersk Lavra. There was also talk again of the need for a law on "banning the UOC." The reason for this change in course is the presence of internal and external opponents of the UOC, including people within the episcopate of other denominations who are interested in religious expansion into Ukrainian territory. They have their political lobby in government bodies and have leveraged the war and the political ambience to once again stir up radical sentiments against our Church.

Unfortunately, the leadership of Ukraine, including President Zelensky, did not find the strength to resist this undoubtedly destructive developments for Ukraine. After all, it is impossible to turn a blind eye to the fact that our denomination has millions of believers who will remain loyal to their Church, while hostility and persecution will only deepen the divisions in society.

As for a hypothetical compromise, it is always proposed by those who organize persecution. In practice, we are being coerced either to join the "OCU" on certain terms or to become a persecuted and disenfranchised community of believers, possibly serving in private homes and churches that our believers have managed to retain despite the conflicts.

In such circumstances, we will continue to preach the Gospel and accept these conditions because our Lord Jesus Christ predicted that the true Church would

always be persecuted. Therefore, our believers see these hardships as evidence of the truth of their faith and are ready to carry this Cross forward.

УКРАЇНСЬКА ПРАВОСЛАВНА
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UN Human Rights Council

Office of the UN High Commissioner for Human Rights

UN Special Rapporteurs

**EU commissions, whose mandates include the protection
of human rights and freedoms**

International human rights organizations

**Educational institutions, scientific institutions and the
community of spiritual educational institutions**

**Appeal regarding the legal status of the Kyiv Theological Academy and Seminary of the
Ukrainian Orthodox Church, located on the territory of the Kyiv-Pechersk Lavra, in
connection with certain actions of the state authorities**

1. About the existence, number of students and teachers.

The Kyiv Theological Academy and Seminary (hereinafter referred to as the Academy) is an autonomous educational institution and operates as a higher theological educational institution directly subordinated to the Primate of the Ukrainian Orthodox Church, which provides higher spiritual education specializing in "Orthodox theology".

The Academy carries out its activities in accordance with the Law of Ukraine "On Freedom of Conscience and Religious Organizations", which provides for religious organizations to create spiritual educational institutions for the training of clergymen and ministers of other necessary religious specialties.

In the 20th century The Kyiv Theological Academy and Seminary were closed twice by the Soviet authorities. After the celebration of the 1000th anniversary of the Baptism of Russia in 1988, when the Soviet government relaxed its atheistic policy, the premises on the territory of the Kyiv-Pechersk Lavra were partially transferred to the use of the Church. This was allowed in 1989 to restore the Kyiv Theological Seminary here. And in 1992, the Kyiv Theological Academy was revived. So, since 1989, the Academy has been located on the territory of the Kyiv-Pechersk Lavra.

Today, more than 250 students' study at the Academy at the bachelor's, master's and postgraduate level. More than 500 students' study in the correspondence sector. About 100 teachers and employees work at the Academy. Several tens of thousands of copies of books from various fields of science are kept in the library of the Academy. Education, accommodation and food at the Academy are free for residential students. At the same time, the Academy provides food for students. Therefore, the Academy has a kitchen, dining room, and food warehouses.

2. About the grounds for obtaining use and ownership of premises.

Kyiv-Pechersk Lavra as an architectural ensemble is today the property of the state. At the same time, the Lavra, like all other monasteries and churches, belonged to the Church before the establishment of Soviet power in Kyiv. Only after the revolution did the Bolsheviks announce the nationalization of all church property. In essence, nationalization meant the transfer of church property to state property. It is clear that no abstract "nation" has ever been the owner of property taken from the Church. In 1988, when the Soviet Union was inevitably coming to an end, the state transferred some of the Lavra churches and buildings for use by the Church. The monks began to gradually return to the monastery. In 1989, the revival of the Kyiv Theological Seminary began, which was also located on the territory of the Lavra. In 1992, the revived Kyiv Theological Academy started working here. Before the revolution, the Kyiv Academy and Seminary were located in other buildings, which were also taken by the Soviet state and not returned to the Church.

Consequently, the Soviet state became the owner of church premises due to their seizure from the Church. It is well known that after the collapse of the "world system of socialism", in the countries of the so-called Soviet camp, restitution of property taken by the communists, in particular, which belonged to religious organizations, took place in various forms. In Ukraine, there has been no full restitution of property, including religious property, despite the fact that, in accordance with the current legislation, the Ukrainian state has undertaken to return to ownership or indefinite use of property to religious organizations, which was previously confiscated by the Soviet authorities from church organizations of that same denomination.

Fulfilling these obligations, starting from 1990, the state, through various state bodies and enterprises, made such a return, as a result of which the Academy began its activities on the territory of the Kyiv-Pechersk Lavra.

The mass media repeatedly reported that the Academy is illegally located on the territory of the Lavra, as the 2013 contract contains a clause that prohibits the monastery from subleasing any premises to other organizations. But the Academy was located on the territory of the Lavra long before 2013. And during the conclusion of the lease agreement between the Reserve and the Lavra in 2013, this fact was taken into account. At that time, the monastery and other church institutions (the Academy, the residence of the Primate of the Ukrainian Orthodox Church, the Chancellery of the Kyiv Metropolitanate) were considered as a single church-administrative complex.

Also, a document from 1990 is preserved in the archives of the Kyiv Theological Academy. This is an act of transferring some objects on the territory of the Lavra to the Church. This act states that the General Director of the Reserve, in compliance with the Resolution of the Council of Ministers of the Ukrainian SSR dated April 28, 1990 No. 99 "On the transfer of certain objects of the museum association "Kyiv-Pechersk State Historical and Cultural Reserve" to the Ukrainian Orthodox Church», transfers buildings for use by the Church. The then rector of the Archpriest Kyiv Theological Seminary accepted these corpuses from the Reserve. Currently, these buildings house the administrative part and classrooms of the Academy (building No. 64) and the Library of the Academy (building No. 63). Thus, the Kyiv Theological Schools received the use of these buildings directly from the Reserve, and not from the Lavra.

Since 1990, the Academy has openly and continuously owned buildings 55, 60, 63, 64, together with them, the state did not give up the title of owner of these premises in favor of the

religious organizations of the Ukrainian Orthodox Church, despite the numerous requests of the Ukrainian Orthodox Church.

3. About restoration of premises and improvements.

The buildings in which the Academy's classrooms are now located (buildings 63 and 64) were handed over to the Church in a state of emergency. The Academy carried out a general reconstruction of these buildings at its own expense. Also, at the expense of the Academy, the premises were furnished with everything necessary for the educational process (desks, blackboards, library, computer class, etc.). In addition, two dormitories (buildings 55 and 60) were equipped at the expense of the Academy. Since 2008, the Church and Archeological Museum has also been created in the Academy, which contains many valuable exhibits. The Academy maintains all these buildings at its own expense.

It should be noted that the efforts of the Academy carried out a major restoration of the Lavra Church of the Nativity of the Mother of God (which is an academic church). All restoration works of this monument were carried out at the expense of the educational institution and in accordance with the permits and recommendations of the institutions of the Ministry of Culture of Ukraine.

4. About restricting access to buildings.

Since 1992, the Kyiv Theological Academy, the leading higher educational institution of the Ukrainian Orthodox Church, has been located on the territory of the Kyiv-Pechersk Lavra monastery. However, on March 10, 2023, the National Historical and Cultural Reserve "Kyiv-Pechersk Lavra" sent a letter to the monastery of Kyiv-Pechersk Lavra, in which it announced that from March 29, 2023, the lease agreement for the premises of the "Nizhnaya Lavra" will be terminated, and accordingly, all buildings currently used by the Church should be vacated [1].

This decision of the Reserve's administration caused a heated debate both in the church environment and in the entire Ukrainian society. However, in most of the comments made today by state officials, politicians, people's deputies and scientists, the problem of the further fate of the Academy, which has been located on the territory of the Kyiv-Pechersk Lavra for more than thirty years, is hardly covered.

The Reserve's decision to terminate the lease agreement was motivated by violations found in the use of the buildings transferred to the monastery. At the same time, the Academy did not receive any documents indicating that any violations were detected in educational and residential buildings No. 63, No. 64, No. 55 and No. 60. If such violations are detected, we are ready to eliminate them in cooperation with representatives of UNESCO and the National Historical and Cultural Reserve "Kyiv-Pechersk Lavra".

Today, the Academy is the main educational institution of the Ukrainian Orthodox Church. If the Academy loses the right to use buildings and structures on the territory of the Kyiv-Pechersk Lavra, this will inevitably lead to the termination of the educational process, since we have nowhere to relocate. Therefore, one of the leading theological educational institutions of Ukraine, which has more than 400 years of history, may cease to exist.

The Commercial Court of the city of Kyiv, by a decision dated March 29, 2023, accepted the claim of the Kyiv-Pechersk Lavra monastery and previously "declared invalid the deed regarding the unilateral refusal of the National Reserve "Kyiv-Pechersk Lavra" from the contract on the free use of religious buildings and other property by a religious organization. The trial began on April 26, 2023. Despite this decision, we are still being asked to move out, and the reserve committee is trying to inventory and seal the property of the Academy.

5. About the non-admission of students, teachers and the actual blocking of the Academy's activities.

Thus, the Academy is currently deprived of the right to carry out teaching activities in the premises that belonged to our educational institution for 30 years.

We draw attention to the fact that the Academy openly owned the premises of the educational buildings for a long time, while all these years the state did not have any claims to the existence of our educational institution on the territory of the Lavra, and we considered the fact of transferring these premises to us as a comprehensive decision of the state to return all property Kyiv-Pechersk Lavra to its historical owner - the male Holy Assumption Monastery of the Ukrainian Orthodox Church.

Thus, the restitution decision on the return of property to the Ukrainian Orthodox Church was executed by the state through the conclusion of contracts of various legal content between the National Historical and Cultural Reserve "Kyiv-Pechersk Lavra" and the legal entity of the Ukrainian Orthodox Church - the men's monastery "Holy Assumption Kyiv-Pechersk Lavra", at therefore, the Academy was not a party to this contract, but was and remains a bona fide and open owner and user of the premises of buildings 55, 60, 63, 64.

Currently, legal proceedings are ongoing between the parties to the above-mentioned contract, but the Academy has not yet been involved in these legal disputes as an interested party, and there is also no court decision on the eviction of our educational institution from the premises belonging to us [2].

Meanwhile, without any court decision that has entered into legal force, the state has effectively deprived us of the opportunity to use the premises, and students can lose the opportunity to use places for living in dormitories at any time [3]. Also, in connection with the decision of the Reserve, students, teachers and employees of the Academy are prohibited from entering the territory of the Lavra, which actually limits access to the premises and makes it impossible to start the academic year [4].

We ask the addressees of this appeal to pay attention to the conditions of our educational institution and to take measures to protect our rights, as well as to contribute to the elimination of the threat of further inter-religious confrontations in Ukraine.

On behalf of the students, teachers and employees of the Academy,

**Sylvester, Archbishop of Belohorodka,
professor, rector of the Kyiv Theological Academy and Seminary**

[1] <https://www.kplavra.kyiv.ua/ua/node/3521>

[2] <https://www.kplavra.kyiv.ua/ua/node/3519>

[3] <https://www.kplavra.kyiv.ua/ua/node/3520>
<https://www.kplavra.kyiv.ua/ua/node/3528>

[4] https://www.facebook.com/kplavra/posts/690477876456354?ref=embed_post
<http://kdais.kiev.ua/event/novyna-10082023/>



АРХІЄПИСКОП ХМЕЛЬНИЦЬКИЙ І СТАРОКОСТЯНТИНІВСЬКИЙ ВІКТОР

2023 September 13, №131

To the UN Human Rights Council,
Office of the UN High Commissioner
for Human Rights,
UN Special Rapporteurs,
EU Commissions, whose mandates provide
for the protection of human rights and freedoms

Appeal regarding the violation of the rights of believers and religious organizations of the Ukrainian Orthodox Church within the Khmelnytsky Eparchy of the UOC

The Khmelnytsky Eparchy of the Ukrainian Orthodox Church encompasses **240** parishes and monasteries and over **15,000** faithful who are Orthodox Christians and belong to the Ukrainian Orthodox Church denomination.

Unfortunately, during 2022-2023, our eparchy has experienced systematic violations of our rights, leading to the impossibility of carrying out economic and legal activities, significantly impeding the practice of our religious beliefs in the manner we have chosen.

We bring to your attention the following cases and situations that, in our view, are unacceptable from the perspective of international law, fundamental human rights, and the standards of civilized society:



1. Church raids under the guise of "voluntary transitions" of religious organizations to another denomination.

In 2022-2023, our eparchy has encountered a significant increase in church raid cases. These actions are carried out through standard schemes involving the creation of fictitious meeting protocols of parishes belonging to our denomination. The raiding scheme involves instigating conflicts within a specific settlement, agitating non-parishioners of our denomination to transfer our religious organization to another denomination. After creating a certain sentiment within the locality, organizers of the seizure, often with the help of radical individuals from other settlements, conduct so-called "meetings of the religious community" that contradict the statutes and current legislation of Ukraine. This is because the right to vote at such meetings belongs exclusively to Orthodox Christians who are members of parish gatherings. However, the raiders disregard this fact, declare themselves "members of the UOC community," vote, and approve the statute of our religious community in a new version as being subordinate to another denomination—the Orthodox Church of Ukraine, which is under the jurisdiction of the Ecumenical Patriarchate.

Upon obtaining this de facto fictitious statute (as actual members of the religious community did not approve the decision to join the OCU), state authorities proceed with the unlawful reregistration of the religious community, completing the raiding takeover of our religious organization.

The following religious communities with UOC churches have been unlawfully seized using this scheme:

In the city of Khmelnytsky:

- Holy Intercession Cathedral;
- St. George's Church with premises for the Spiritual Center and Museum of Orthodoxy of Podillia;
- Kazan Icon of the Mother of God Church;
- Holy Assumption Church;
- Holy Intercession Church.

In the Khmelnytsky district:

- Nativity of the Blessed Virgin Mary Church in Starokostiantyniv city;
- Parish of the Holy Apostles in Volochysk city;
- St. Nicholas Church in Medzhybizh town;
- Holy Ascension Church in Zinkiv village;
- St. Great Martyr Paraskeva Parish in Lisovi Hrynivtsi village;
- Holy Trinity Church in Cherepova village;
- Sts. Peter and Paul Church and the Monastery of the Nativity of the Virgin Mary in Korzhivtsi village;
- St. Michael's Church in Popivtsi village;

- Holy Intercession Church in Rozhny village;
- St. Nicholas Church in Mytyntsi village;
- St. John the Evangelist Church in Volytsia village;
- Holy Presentation Church in Pasichna village;
- St. Demetrius Parish in Perehinka village;
- St. Michael's Church in Tereshivtsi village;
- St. Michael's Church in Zapadyntsi village;
- St. Demetrius Church in Parkhomivtsi village;
- Kazan Icon of the Mother of God Church in Holovchyntsi village;
- St. Demetrius Church in Suslivtsi village;
- Sts. Cosmas and Damian Church in Ripna village;
- St. John the Evangelist Church in Cherepivka village;
- St. Barbara Church in Molomolyntsi village;
- Holy Assumption Parish in Mykhailivka village;
- St. Michael's Church in Bohdanivtsi village;
- Holy Exaltation of the Cross Parish in Sosnivka village;
- Holy Exaltation of the Cross Parish in Yasenivka village;
- St. Paraskeva Church in Pyrohivtsi village;
- St. Michael's Church in Malashivtsi village;
- St. Michael's Church in Volytsia village, and others.

Illegally re-registered religious communities in Khmelnytsky city:

- Nativity of the Blessed Virgin Mary Church in Khmelnytsky city;
- Sts. Vira, Nadiya, Liubov, and their mother Sophia Church in Khmelnytsky city;

Illegally re-registered religious communities in the Khmelnytsky district:

- Holy Resurrection Church in Krasyliv city;
- Nativity of Christ Parish in Krasyliv city;
- Holy Assumption Church in Letychiv town;
- St. Demetrius Church in Shpychyntsi village;
- St. Basil Church in Hrechyntsi village;
- Holy Intercession Parish in Sutkivtsi village;
- Holy Intercession Church in Adamivka village (re-registered statute).

Numerous lawsuits initiated by our parishioners did not yield results, as the courts were not interested in making fair and legal decisions in our cases. Starting with disputes over jurisdiction, transferring them from civil to administrative and economic branches of the judicial system, the judicial authorities were unable to consider our lawsuits on their merits while upholding the principles of legality and justice. We can provide detailed information about our litigation upon your request.

2. Hate speech and discriminatory statements in the media

Such violations of the believers' rights as church raids would have been impossible if a negative image of the UOC had not been previously created in society, portraying its faithful as supporters of the Russian Federation and, in some cases, as collaborators. Despite the lack of evidence of such activities on our part, negative information about our denomination was widely disseminated in the media.

It's noteworthy that the hallmark rhetoric of this negative campaign included statements and remarks about the UOC made by politicians and government representatives, including the following:

"This organization has such a minimal amount of religiosity that it is not worth discussing. It was created as a political structure and has always carried out political tasks" (Oleksandr Symchyshyn, Mayor of Khmelnytsky) (<https://zhar.org.ua/nihto-ne-zabyraye-boga-oleksandr-symchyshyn-pro-sytuatsiyu-z-upts-v-hmelnytskij-tergromadi/>);

"Military personnel and veterans are going to explain to Moscow priests that they have no place in our state" (Sofia Fedina, Member of Parliament) (<https://glavcom.ua/country/incidents/moskovski-popi-vidkrili-portal-u-peklo-shcho-vidomo-pro-pobittja-vijskovoho-u-khrami--918278.html>);

"... Moscow priests today opened a personal portal to hell" (Volodymyr Ariev, Member of Parliament) (<https://glavcom.ua/country/incidents/moskovski-popi-vidkrili-portal-u-peklo-shcho-vidomo-pro-pobittja-vijskovoho-u-khrami--918278.html>).

3. Discriminatory decisions by government authorities

The intensification of the media campaign against the UOC led to the adoption of numerous decisions by local self-government bodies, such as "prohibiting the UOC" in certain territories and terminating the right to use land plots by religious organizations of our denomination.

In particular, in our eparchy's territory, the Khmelnytsky Regional Council adopted such decisions on April 4, 2023, under the title "Ensuring National Security in the Sphere of Freedom of Conscience and Activities of Religious Organizations in the Territory of Khmelnytsky Region," which prohibited the activities of the Ukrainian Orthodox Church of the Moscow Patriarchate (officially registered as the Kyiv Metropolis of the Ukrainian Orthodox Church) in the territory of Khmelnytsky Region (<https://km-oblrada.gov.ua/wp-content/uploads/2023/04/naczbezpeka.pdf>).

Additionally, deputies adopted an appeal to the Cabinet of Ministers of Ukraine regarding the termination of lease agreements with religious organizations (<https://km-oblrada.gov.ua/wp-content/uploads/2023/04/zvernennya.pdf>).

The Khmelnytsky City Council, at a special "religious" extraordinary twenty-sixth session on April 4, 2023, adopted 13 decisions on depriving religious communities of the UOC of the right to use land plots in Khmelnytsky city:

Decision No. 1 on the Termination of the Right to Permanent Use of a Land Plot by the Legal Entity Management of the Khmelnytsky Eparchy of the Ukrainian Orthodox Church (<https://www.khm.gov.ua/uk/content/pro-prypynennya-prava-postiynogo-korystuvannya-zemelnoyu-dilyankoyu-yurydychniy-osobi-31>);

Decision No. 2 on the Termination of the Right to Permanent Use of a Land Plot by the Legal Entity Religious Organization "Church of Saint Great Martyr and Healer Panteleimon" (<https://www.khm.gov.ua/uk/content/pro-prypynennya-prava-postiynogo-korystuvannya-zemelnoyu-dilyankoyu-yurydychniy-osobi-32>);

Decision No. 3 on the Termination of the Right to Permanent Use of a Land Plot by the Legal Entity Religious Community of the Nativity of the Blessed Virgin Mary Church in Khmelnytsky of the Khmelnytsky Eparchy of the Ukrainian Orthodox Church (<https://www.khm.gov.ua/uk/content/pro-prypynennya-prava-postiynogo-korystuvannya-zemelnoyu-dilyankoyu-yurydychniy-osobi-39>);

Decision No. 4 on the Termination of the Right to Permanent Use of a Land Plot by the Legal Entity Religious Community of the Kazan Icon of the Mother of God Church in Khmelnytsky of the Khmelnytsky Eparchy of the Ukrainian Orthodox Church (<https://www.khm.gov.ua/uk/content/pro-prypynennya-prava-postiynogo-korystuvannya-zemelnoyu-dilyankoyu-yurydychniy-osobi-33>);

Decision No. 5 on the Termination of the Right to Permanent Use of a Land Plot by the Legal Entity Religious Community of the Holy Paraskeva Parish in Khmelnytsky of the Khmelnytsky Eparchy of the Ukrainian Orthodox Church (<https://www.khm.gov.ua/uk/content/pro-prypynennya-prava-postiynogo-korystuvannya-zemelnoyu-dilyankoyu-yurydychniy-osobi-34>);

Decision No. 6 on the Termination of the Right to Permanent Use of a Land Plot by the Legal Entity Religious Community of the Transfiguration of the Savior Church of the Ukrainian Orthodox Church (<https://www.khm.gov.ua/uk/content/pro-prypynennya-prava-postiynogo-korystuvannya-zemelnoyu-dilyankoyu-yurydychniy-osobi-35>);

Decision No. 7 on the Termination of the Right to Permanent Use of a Land Plot by the Legal Entity Religious Community of the Holy Protection Church in Khmelnytsky of the Khmelnytsky Eparchy of the Ukrainian Orthodox Church (<https://www.khm.gov.ua/uk/content/pro-prypynennya-prava-postiynogo-korystuvannya-zemelnoyu-dilyankoyu-yurydychniy-osobi-36>);

Decision No. 8 on the Termination of the Right to Permanent Use of a Land Plot by the Legal Entity Management of the Khmelnytsky Eparchy of the Ukrainian Orthodox Church (<https://www.khm.gov.ua/uk/content/pro-prypynennya-prava-postiynogo-korystuvannya-zemelnoyu-dilyankoyu-yurydychniy-osobi-37>);

Decision No. 9 on the Termination of the Right to Permanent Use of a Land Plot by the Legal Entity Management of the Khmelnytsky Eparchy of the Ukrainian Orthodox Church (<https://www.khm.gov.ua/uk/content/pro-prypynennya-prava-postiynogo-korystuvannya-zemelnoyu-dilyankoyu-yurydychniy-osobi-38>);

Decision No. 10 on the Termination of the Right to Permanent Use of a Land Plot by the Legal Entity Religious Organization "Saint George's Church in Khmelnytsky of the Khmelnytsky Eparchy of the Ukrainian Orthodox Church" (<https://www.khm.gov.ua/uk/content/pro-prypynennya-prava-postiynogo-korystuvannya-zemelnoyu-dilyankoyu-yurydychniy-osobi-40>);

Decision No. 11 on the Termination of the Right to Permanent Use of a Land Plot by the Legal Entity Religious Organization "Saint George's Church in Khmelnytsky of the Khmelnytsky Eparchy of the Ukrainian Orthodox Church" (<https://www.khm.gov.ua/uk/content/pro-prypynennya-prava-postiynogo-korystuvannya-zemelnoyu-dilyankoyu-yurydychniy-osobi-41>);

Decision No. 12 on the Termination of the Right to Permanent Use of a Land Plot by the Legal Entity Monastery of Saint John the Baptist of the Khmelnytsky Eparchy of the Ukrainian Orthodox Church (<https://www.khm.gov.ua/uk/content/pro-prypynennya-prava-postiynogo-korystuvannya-zemelnoyu-dilyankoyu-yurydychniy-osobi-42>);

Decision No. 13 on the Termination of the Right to Permanent Use of a Land Plot by the Legal Entity Religious Organization "Religious Community of the Holy Trinity Church in the village of Cherepova, Khmelnytsky District of the Khmelnytsky Eparchy of the Ukrainian Orthodox Church" (<https://www.khm.gov.ua/uk/content/pro-prypynennya-prava-postiynogo-korystuvannya-zemelnoyu-dilyankoyu-yurydychniy-osobi-43>).

On April 4, 2023, the Khmelnytsky District Council adopted decisions to prohibit the activities of the Ukrainian Orthodox Church (<http://rayrada.km.ua/engine/download.php?id=2697>) and to request the Cabinet of Ministers of Ukraine and local self-government authorities in the Khmelnytsky District to terminate lease and usage agreements with religious organizations affiliated with the UOC (<http://rayrada.km.ua/engine/download.php?id=2698>).

During the 43rd extraordinary session of the Derazhnya City Council on April 4, 2023, decisions were made to ban the activities of the UOC within the Derazhnya municipal territorial community, terminate permanent land use rights for ten religious communities, cancel eleven permits for land development projects related to land allocation, and revoke decisions on granting land plots for permanent use (<https://ngp-ua.info/2023/04/64155>).

On April 5, 2023, the Volochysk City Council adopted Decision No. 25-26/2023, which addresses the President of Ukraine and the Verkhovna Rada of Ukraine, calling “for the ban on the activities of the Ukrainian Orthodox Church of the

Moscow Patriarchate” (<https://volochyska-gromada.gov.ua/docs/1385899/>). Additionally, Decision No. 24-26/2023 “On the appeal by the deputies of the Volochysk City Council regarding the termination of lease or use contracts with religious organizations that do not comply with the requirements of the laws of Ukraine” was adopted (<https://volochyska-gromada.gov.ua/docs/1385897/>). A decision to ban the UOC-MP was made earlier on September 5, 2022 (<https://volochyska-gromada.gov.ua/docs/1272657/>).

The Stara Syniava Village Council made decisions in 2022 to ban the "wrong church."

<https://starosynjavska-gromada.gov.ua/docs/1306664/>;

<https://starosynjavska-gromada.gov.ua/docs/1239737/>).

On April 6, 2023, during the 36th session of the Letychiv Village Council, decisions were made to ban the activities of the UOC, terminate permanent land use rights granted to the Ukrainian Orthodox Church, and cancel land development project permits (<https://letychiv.km.ua/2023/04/07/на-території-летичівської-тг-заборон/>).

During the plenary session of the 19th extraordinary session of the Starokostiantyniv City Council on April 7, 2023, deputies adopted an appeal to the Verkhovna Rada of Ukraine calling for the ban on the activities of the UOC (<https://starkon.gov.ua/index.php/home-mainmenu-1/holovna/23-novyni/7260-starokostiantynivski-deputaty-zaklykaiut-verkhovnu-radu-zaboronyty-diialnist-upts-mp>).

On April 9, 2023, the Yarmolynets Village Council adopted Decision No. 4 "On Ensuring National Security in the Field of Freedom of Conscience and the Activities of Religious Organizations within the Yarmolynets Municipal Territorial Community," which banned the activities of the UOC, revoked land use rights, and terminated lease agreements with UOC religious communities (<https://yarmolynetska-gromada.gov.ua/docs/1384592/>).

On April 10, 2023, the Krasyliv City Council adopted decisions to ban the activities of the UOC and terminate permanent land use rights for UOC religious communities (<https://krasyliv-rada.gov.ua/news/1681192250/>).

On April 19, 2023, similar decisions were made by the Vin'kivtsi Village Council to ban the activities of the UOC (<https://vinkgr.gov.ua/docs/1390059/>) and to request the Cabinet of Ministers and the Verkhovna Rada of Ukraine to pass a Ukrainian law prohibiting the UOC (<https://vinkgr.gov.ua/docs/1390061/>).

4. Acts of violence against believers

Implementing raiding takeovers of our churches, there have been multiple acts of violence against our believers, including physical and psychological coercion, beatings, threats of physical harm, evictions, property damage, and destruction, and more.

For instance, on July 24, 2022, a deputy of the local self-government body, O. Chorniyevych, and activists of the Orthodox Church of Ukraine (OCU) caused physical harm to the wife of a priest from the Khmelnytsky Eparchy of the Ukrainian Orthodox Church (UOC), their daughter, and parishioners of the Holy Paraskeva Church during the seizure of the church by OCU supporters.

On March 7, 2023, Yuriy Kravchuk, a deputy of the Stara Syniava United Territorial Community (UTC) from the political party "Svoboda," assaulted the rector of the religious community of the UOC in Pasichna village. During this incident, the priest was struck and received 4-5 blows to his head.

On April 2, 2023, during the seizure of the Holy Intercession Cathedral in Khmelnytsky, aggressive pro-OCU activists initiated multiple clashes. The monastery's abbot, Archimandrite Ioasaf, suffered a head injury that caused bleeding from the ear.

On April 5, 2023, during the seizure of the St. George Church and the adjacent church complex, the proto-deacon Volodymyr was beaten, and his upper robe was torn.

Such incidents have occurred systematically and continue to occur. On June 27, 2023, unidentified individuals defaced the fence of the Nativity of Christ Church in Krasyliv with the words: "We will cut down all Moscow priests, and we say it responsibly."

5. Appeals to law enforcement agencies

Between 2022 and 2023, we submitted over 30 statements requesting the initiation of criminal proceedings related to church seizures, acts of violence against UOC believers, and other crimes.

Unfortunately, in the vast majority of cases, law enforcement agencies did not initiate criminal proceedings, hence we had to file complaints with the court. Criminal proceedings and consideration of our statements by law enforcement authorities only occurred after such court orders.

Specifically, only isolated criminal proceedings were initiated as a result of court orders (resolution of the Letychiv District Court of Khmelnytsky Oblast dated May 2, 2023).

As expected, after reviewing our believers' statements, law enforcement agencies did not forward any cases to court or bring charges against radical elements who openly committed crimes against our believers.

6. Blocking the registration of the ruling bishop

By the decision of the Holy Synod of the Ukrainian Orthodox Church on April 3, 2023, Archbishop Victor (Kotsaba) was appointed as the new head of the Khmelnytsky Eparchy. Based on the Synod's decision, a decree of appointment was

issued to Archbishop Victor by the Primate of the Ukrainian Orthodox Church, His Beatitude Metropolitan Onufriy of Kyiv and All Ukraine.

However, it is not currently feasible to enter the relevant information into the Unified State Register of Legal Entities, Individual Entrepreneurs, and Public Associations. This is because the state registers for the UOC have effectively been blocked since 2019. On the other hand, individuals seeking to take over parishes and property of the UOC have created their own unofficial, yet practically used registers, such as the "Registry of the Moscow Patriarchate Churches – Opendatadobot" (<https://opendatadobot.ua/open/russian-church>) and "All Orthodox Host. The First Database on UOC-MP Real Estate" (<https://ngl.media/2023/07/13/vsya-pravoslavna-rat/>).

7. Action and inaction of law enforcement agencies during church raid incidents and other violations of the rights of UOC believers

In cases of church seizures and other violations of the rights of UOC believers, law enforcement agencies typically ignore calls to protect the rights of UOC faithful. Moreover, police officers have repeatedly facilitated the seizure of churches by activists of the OCU, local deputies, and officials, often using falsified documents.

8. The role of the head of the regional state authority in religious affairs

Inna Mykhailova, the head of the Department of Information Activities, Culture, Nationalities, and Religions of the Khmelnytskyi Regional Military Administration, has taken a position of ignoring the rights of UOC believers. Protocols of UOC religious communities are not taken into account, and any statements they make remain unanswered. Only protocols regarding the change of subordination from the UOC to the OCU, adopted at meetings of territorial communities rather than religious ones, are considered, which is a gross violation of current Ukrainian legislation.

In this regard, it is worth noting that even the clarifications from the State Service of Ukraine for Ethnic Policy and Freedom of Conscience (DESS) dated August 28, 2022 (<https://dess.gov.ua/wp-content/uploads/2022/08/v7-Rel-Communities-Changing-Affiliation.pdf>) regarding the procedure for actions of a religious community in case of changing jurisdiction are not applied. In the event that the registration body receives a letter with a notification that the religious community does not change its affiliation, and the meetings were mainly attended not by members of the religious community, but by local residents who do not meet the criteria for membership of the religious community, defined in its statute, the registration body may take one of the following steps (or, if necessary, both):

- request additional information from the applicant in order to obtain confirmation of compliance with the procedures defined by law, in particular compliance with membership requirements;

- in connection with receiving information about a possible offense, contact the National Police of Ukraine with a request to check the information contained in the documents.

According to the DESS clarifications, only members of the religious community can be initiators of parish meetings. Public officials, including local self-government authorities, such as united territorial communities, have no right to initiate or organize meetings of religious organizations, preside over such meetings, or vote at them. Members of other religious communities, including clergy, cannot initiate or participate in the meetings of a different religious community. Membership in a religious community is determined by its statute.

9. Positions, actions and rhetoric of representatives of other denominations

Despite the joint appeal of the leaders of Orthodox religious organizations in the Khmelnytsky region on August 3, 2023, calling for peaceful dialogue between Orthodox jurisdictions (UOC and OCU) in the region, the initiators of conflict situations and church seizures in favor of the OCU continue to grossly violate the rights of UOC believers and current Ukrainian legislation.

These facts demonstrate a systematic violation of the rights of UOC believers, which, in turn, is evidence of a discriminatory policy often carried out with the involvement of state authorities, politicians, media, and radical elements.

I request the United Nations, UN special rapporteurs, international organizations, authorized individuals from other human rights bodies and organizations to consider this appeal and take measures within their mandates to protect and restore the rights of UOC believers.

Respectfully yours,

A handwritten signature in blue ink that reads "+ Victor". The signature is written in a cursive style with a plus sign at the beginning.

**ARCHBISHOP VICTOR OF KHMELNYTSKY AND STAROKOSTIANTYNIV,
RULING BISHOP OF THE KHMELNYTSKY EPARCHY**



General Assembly

Distr.: General
XX February 2023

English only

Human Rights Council

Fifty-second session

27 February–31 March 2023

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Public Organization "Public Advocacy", a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 February 2023]

* Issued as received, in the language of submission only.

ON ARBITRARY DETENTIONS AND DISAPPEARANCES OF CLERGY OF THE UKRAINIAN ORTHODOX CHURCH

Since 2017 Public organization “Public Advocacy” have been protecting the interests of Orthodox communities in Ukraine, Israel, Serbia, Montenegro and the Middle East, informing the UN HRC, as well as other procedures about violations of the rights of believers.

In our earlier statements, addressed to various international organizations, we repeatedly noted the enormous difficulties in the existence of the Ukrainian Orthodox Church (UOC), which was caused by the constant attempts of the Ukrainian authorities to force believers of the UOC to change their confessional affiliation. Attempts to forcibly transfer believers to the denomination of the Ukrainian Orthodox Church of the Kyiv Patriarchate and later to the denomination of the OCU[1] (which was created by virtue of the Tomos of the Patriarchate of Constantinople) were accompanied by various offenses, including by civil servants, as well as state bodies. These case studies are described in more detail in our statements to the UNHRC during the relevant regular sessions of this body[2]. In the course of such conflicts, there were facts of grave crimes committed against the believers of the UOC.

Among them it is worth highlighting the mass beating of believers of the UOC by law enforcement units of the Ministry of Internal Affairs of Ukraine in Katerynivka village, Ternopil region; armed seizures of the temple in Ptycha village, Rivne region[3]; causing bodily harm to a number of parishioners and clerics of the UOC during other clashes[4]. Of particular note is the fact that since 2015, local governments in different regions have adopted a variety of decisions containing discriminatory rhetoric in relation to the UOC. Those include decisions of regional, district and village councils demanding to ban the activities of the UOC[5], decisions on the forced transfer of property of the UOC to other persons[6], as well as a bill, eventually approved by the Parliament of Ukraine, which established an obligation to change the names of all religious organizations of the UOC by indicating in the names their affiliation to the aggressor state – the Russian Federation[7]. It should also be noted that the state authorities at the central level blocked the possibility of making changes to the charters of the monasteries and dioceses of the UOC. As a result, over the past 3 years, the central structures of the UOC have not been able to legally appoint their leaders, even in the event of their death[8].

Thus, even the legal personality of the UOC was actually limited, while a significant part of legal entities of this denomination are still deprived of the opportunity to make civil transactions, acquire and buy property due to the fact that the authorities do not recognize the statutes of the UOC in the old edition and at the same time deny the opportunity to amend them.

The UOC Representation to European International Organizations published a statement on violations of the rights of believers and distributed it to the international audience[9].

With the outbreak of hostilities and the attack of the Russian Federation on Ukraine, a new wave of aggressive actions was launched in the country against the UOC[10], whose believers and clergy in previous years were unreasonably labeled as enemies and supporters of the Russian Federation[11].

According to our observations, the extensive involvement of radical formations in the religious discourse, the existence of the church raiding mainstream, the demand to ban the UOC as a confession, as well as the inaction of law enforcement bodies in cases of gross offenses and crimes against believers of the UOC, lead to the formation of grounds for committing more serious and overt crimes.

In particular, we wish to inform the UNHRC and responsible mandate holders of the following facts:

1. On March 16, 2022, in the village of Ivanivka, Zhytomyr diocese, unidentified persons took Archimandrite Lavr (Berezovsky), rector of the Church of the Icon of the Mother of God "Life-Giving Spring" in an unknown direction. This was announced by priest Igor Kucheruk on his Facebook page:

“Two days ago in the Zhytomyr region, they seized Archimandrite Lavr (Berezovsky), rector of the church of the Icon of the Mother of God in Ivanivka village, Zhytomyr District Deanery, broke his nose, calling him a Moscow saboteur-priest, and dragged him into the forest,” Fr. Igor wrote. “No one else saw him. He is a true shepherd, a man of prayer, a confessor...”

In the Zhytomyr diocese, the UOJ confirmed this information and reported that they had filed a statement with the police about the abduction of the rector by unknown persons. An investigation is underway.[12]

2. On March 16, 2022, in the village of Tomashivka, Fastiv district, Kyiv region, unknown armed men kidnapped the cleric of the Kyiv diocese of the Ukrainian Orthodox Church, Archpriest Gennady Batenko, the website of the UOC diocese reports: "On Wednesday evening, unknown people broke into the priest's house, forcibly took him out into the yard and took him away in an unknown direction. An appeal to law enforcement officers has not yet yielded any result – the police said they do not have information about Fr. Gennady's whereabouts."

Archpriest Gennady Batenko, a surgeon by profession, is the Deputy Chairman of the Synodal Department of the UOC for Health and Medical and Scientific Work, Dean of the Second Hospital District of Kyiv.[13]

According to social media reports, a day after the kidnapping, the cleric was released[14].

3. As reported by the Ivano-Frankivsk Eparchy of the UOC, on March 8, 2022, a group of armed men seized the Holy Trinity Dukonsky Monastery of the Ivano-Frankivsk Eparchy of the Ukrainian Orthodox Church. The abbot of the monastery, Archimandrite Titus, and the novice Trofim were forcibly deported. According to local residents, they were taken to Verkhovyna and interrogated[15].

According to numerous media reports, the kidnapping was preceded by attempts to seize the temple:

“The Ivano-Frankivsk Eparchy of the Ukrainian Orthodox Church reported on its website that armed people seized the Holy Trinity Dukonsky Monastery. Meanwhile, the official Telegram channel of the Chernivtsi Eparchy of the UOC, citing local residents, wrote that the monastery's inhabitants are being evicted from the monastery and forbidden to live in the Ivano-Frankivsk region.” - reads the report[16].

The kidnapped brethren of the Dukonsky Monastery, Archimandrite Titus and novice Trofim, have been found, they are now in the Chernivtsi region, weak and exhausted.

“The first Lent week services are not performed in the churches of the UOC. People are afraid to go to church because they may not come back. Everyone is praying at home, in private,” reports the eparchy's press service on its official Facebook page.”[17]

After his release, the abducted priest gave a short interview to the media:

"After the interrogation, I voluntarily handed over all the monastery property (church, technical premises, bell tower, monastery car, laptop and telephone) to the use of the Verkhovyna territorial community. A good point is that armed people allowed me to take

away sacred objects, antimins, a chalice, some personal things. It is very unfortunate, but the monastery cat was left to die there at an altitude of 1500 m in the Carpathians. Frightened, it hid in the basement. The armed men did not want to give time to search for it."

As Fr. Titus was prescribed to leave the Ivano-Frankivsk region, he is now passing through Bukovyna. Then the Lord will dispose in which monastic abode he will kneel in prayer.[18]"

4. On March 12, 2022, the Kyiv Metropolis of the UOC issued a statement according to which, after receiving threats, a UOC cleric disappeared in the village of Borodianka: "Due to the fact that some Russian media published a video, in which Archbishop Viktor Talko, rector of the Archangel Michael church in Borodianka, Kyiv region, assesses the political situation in Ukraine, the leadership of the Kyiv Metropolis of the Ukrainian Orthodox Church tried to contact him for clarification immediately after the news. However, there is currently no contact with the said priest and his family members. In addition, Prot. Victor is reported to have been receiving threats in recent days."[19]

The facts of abductions (arbitrary detentions) listed above indicate that in Ukraine, the practice of kidnapping believers and clerics of the UOC by unidentified armed groups is used in order to force them to stop certain activities, as well as to force them to transfer property – churches – in favor of other confessions or even to territorial communities (for example, the abducted abbot of the Dukonsky monastery "voluntarily" transferred the monastery and all its property to the state local self-government body – the territorial community).

We ask the UNHRC and notably the mandate holders for religious rights and safeguards against arbitrary detention, to consider these facts and protect the rights of UOC believers in Ukraine.

[1] A/HRC/42/NGO/20

[2] A/HRC/41/NGO/22, A/HRC/45/NGO/112, A/HRC/41/NGO/20

[3] <https://spzh.news/en/news/52460-sud-snova-nalozhil-arest-na-khram-v-ptichyjej--dveri-opechatala-policija>

[4] <https://spzh.news/en/news/78271-izbityj-v-zadubrovke-prihozhanin-upc-rasskazal-podrobnosti-napadenija>

[5] <https://spzh.news/en/news/89025-upravdelami-obratilsya-k-zelenskomu-iz-za-situacii-v-borispolyskoj-jeparkhii>

[6] A/HRC/45/NGO/129

[7] A/HRC/41/NGO/26

[8] A/HRC/45/NGO/112

[9] <https://news.church.ua/2021/05/31/statement-representation-uoc-european-international-organizations-certain-issues-related-situation-ukrainian-orthodox-church-context-international-law-osce/?lang=en>

[10] <https://spzh.news/en/news/89090-v-kolodnom-storonniki-pcu-popytalis-y-zahvatity-khram-upc>

[11] <https://spzh.news/en/news/89050-aktivist-pcu-iz-khmelynickogo-zajavil-cto-krestnoje-znamenije--propaganda-rf>

[12] <https://spzh.news/en/news/87123-v-zhitomirskoj-jeparkhii-izbili-i-pohitili-nastojatelya-khrama-upc>

[13] <https://spzh.news/en/news/87100-v-kijevskoj-oblasti-vooruzhennyje-lyudi-pohitili-svyashennika-upc>

[14] <https://spzh.news/ru/news/87109-pohishhennogo-v-kijevskoj-oblasti-svyashennika-upc-osvobodili>

- [15] <https://ivano-frankivsk.church.ua/2022/03/10/ivano-frankivska-jeparxiya-povidomlyaje-pro-zaxoplennya-svyato-trojickogo-dukonsko-cholovichogo-monastirya/>
- [16] <https://ivano-frankivsk.church.ua/2022/03/10/ivano-frankivska-jeparxiya-povidomlyaje-pro-zaxoplennya-svyato-trojickogo-dukonsko-cholovichogo-monastirya/>
- [17] <https://spzh.news/en/news/86916-dukonskij-monastyry-zakryvajut-jego-naselynikov-vyzhivajut-iz-oblastiupc>
- [18] telegram channel of the Ivano-Frankivsk Eparchy of the Ukrainian Orthodox Church
<https://t.me/orthobuk/1365>
- [19] <https://news.church.ua/2022/03/12/zayava-kijivskoj-mitropoliji-ukrajinskoji-pravoslavnoji-cerkvi-shhodo-situaciji-z-nastoyatelem-xramu-u-m-borodyanka/>



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Agenda item 4

Human rights situations that require the Council's attention

Joint written statement* submitted by Public Organization "Public Advocacy", VšĮ "Žmogaus teisių apsauga", non- governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2023]

* Issued as received, in the language of submission only.

ON CRIMINAL CASES AGAINST THE EPISCOPATE OF THE UKRAINIAN ORTHODOX CHURCH, STATE DECISIONS ON OUTLAWING THE CHURCH AND MASS WITHDRAWAL OF LAND PLOTS

In our deep conviction, the international community, which genuinely upholds human rights, needs urgently express concern over the policies pursued by the state of Ukraine towards the Ukrainian Orthodox Church.

In our opinion, particular attention should be paid to the following situations:

1. Negative political attitude towards the UOC on the part of state authorities in Ukraine.

Since 2015, representatives of the Ukrainian Orthodox Church have been reporting violations of their rights, including at the international level. According to our observations, confirmed, among other things, by the conclusions of international organizations, seizures of churches, violence against UOC believers, unlawful conversions (re-registration) of legal entities of the UOC into other confessions, discriminatory bills, decisions to terminate rights to land plots, prohibitions on registration actions of believers of the UOC stem from a consistent discriminatory policy implemented by both state and non-state actors on the territory of Ukraine.

The incessant information campaign in the media to incite hatred towards the UOC alongside the dissemination in the media of narratives about the “affiliation of the UOC to Moscow” led to the entrenched negative policy towards believers of this denomination at various government levels and among the population.

Such incitement of hostility resulted in the adoption of numerous decisions by state authorities to “ban the UOC” and “terminate land use rights”, even though religious buildings have already been built on these lands in many cases.

Such decisions were worded as appeals to the President of Ukraine and the parliament to “ban the UOC” as a denomination throughout Ukraine, purportedly due to its alleged “pro-Moscow activities and support for the Russian Federation”, as well as its “association with the Russian Orthodox Church”.

Considering the situation at hand, the OHCHR in its periodic report (A/HRC/51/CRP.1) noted:

124. During the reporting period, local authorities in at least seven territorial communities in Kyiv, Sumy and Lviv regions temporarily suspended the activities of the Ukrainian Orthodox Church (often unofficially referred to as the Ukrainian Orthodox Church of Moscow Patriarchate) for the duration of martial law. Local authorities, for instance the City Council of the Brovary District in Kyiv region, also prohibited meetings, rallies, marches, as well as other mass events of the Ukrainian Orthodox Church for the duration of martial law, without providing a clear justification for the prohibition.

125. This suspension raises concerns as to its compliance with international human rights standards. Authorities did not explain the basis on which such measures were introduced, or how they were deemed necessary and proportional to protect public safety, order, health, morals or the fundamental rights and freedoms of others, as required by article 18(3) of the International Covenant on Civil and Political Rights. Furthermore, as activities of other regional communities and organizations have not been suspended, this unfavourable treatment of the Ukrainian Orthodox Church may amount to a discriminatory measure on the ground of religion or affiliation with a particular religious group.

We draw your attention to the fact that following the publication of the quoted OHCHR’s report, the situation has significantly worsened. State authorities, including at the level of

regional councils and city mayor's offices, not only continued to make decisions "to ban the UOC" but also began to make decisions to terminate the land use rights of specific UOC communities for land plots previously allocated to them in accordance with the legislation of Ukraine for the construction of churches.

On the one hand, the decisions "to ban the UOC" are definitely populist in nature, as confirmed by the mayors of the cities^[1] themselves who made such decisions. Certainly, these decisions have no legal force, since they are typically formulated as appeals to the parliament and the President and do not have legal consequences. However, they do have political, informational, and psychological implications, since they foster a politically hostile trend in society towards the UOC and send a real signal that temples and land plots can be taken away from UOC believers, and their rights can be violated with impunity through other means.

Currently, the situation continues to unfold in the worst scenario. Unlike the decisions "to ban the UOC", the decisions of state bodies to terminate the rights of specific legal entities of the UOC to their owned land plots are nothing but a property confiscation, carried out in a flagrant open manner with clear discriminatory motives and in violation of the law.

Thus, the decisions to "ban the UOC" and deprive specific legal entities of this denomination of land use rights were adopted by various state bodies:

- Kyiv Regional Council – June 9, 2023;
- Zhytomyr Regional Council – April 27, 2023 (concurrently with the cancellation of the 2017 decision to allocate a land plot for the UOC Monastery of the Athonite Icon of the Mother of God);
- Sumy City Council – April 26, 2023;
- Brovary City Council, which on April 27, 2023 deprived the UOC of the right to use 4 land plots, on which 5 temples of the UOC are located;
- Khmelnytsky City Council, by a decision of April 4, 2023, decided to terminate the land use rights of 12 religious organizations of the UOC, including those that already owned property on these land plots.

Similar decisions were made in Chernivtsi, Volyn, Rivne, Khmelnytsky, Zakarpattia, Vinnytsia, Ternopil, and Cherkasy regions.

By informing the public about these decisions, mayors and other politicians are effectively conducting an aggressive information campaign against the UOC, disregarding whatever legal arguments that there are no legitimate grounds for depriving land use rights or for "banning the activities" of a legal entity lawfully registered in Ukraine as a religious organization.

As an illustration of such a media campaign against the UOC, consider a post on the Facebook page of a state authority – the Kamyanets-Podilskyi City Council: "NO TO THE ENEMY CHURCH":

"Deputies of the Kamyanets-Podilskyi City Council have unanimously adopted three appeals regarding:

- BAN on the Moscow Patriarchate across Ukraine;
- WITHDRAWAL of the Kamyanets-Podilskyi Eparchy of the UOC-MP from the jurisdiction of the Russian Orthodox Church;

- RUPTURE OF THE CONTRACTS for the lease or use by the UOC (MP) of state-owned church buildings.

We also voted 'for' 19 projects on the TERMINATION of land use by the Moscow church and one – on the CANCELLATION of the lease.

Mayor Mykhailo Positko"[2]

Thus, the ongoing seizure of UOC churches, unlawful transfers of UOC communities to other religious denominations, as well as acts of violence against believers of this denomination are a result of an exaggerated information campaign that casts a segment of Ukrainian citizens as an "internal enemy" within a belligerent country. This campaign aims to pressure the episcopate and believers of the UOC to change their religious affiliation and join the "Orthodox Church of Ukraine", created by the Ecumenical Patriarchate with the support of former Ukrainian President Petro Poroshenko

2. Draft laws discriminating against the UOC and criminal proceedings against the episcopate and clergy of the UOC.

A continuation of the process described above are the ongoing attempts to pass bills aimed at a complete ban on the Ukrainian Orthodox Church. More detailed information about these bills was presented in our previous statements at the UN HRC sessions: A/HRC/52/NGO/44, A/HRC/52/NGO/157.

Equally significant points of tension are the criminal cases initiated against the episcopate, clergy, and believers of the UOC.

For example, according to the official commentary of the Security Service of Ukraine (SBU), "based on the SBU's materials, 65 criminal proceedings are being investigated against clergymen, in particular, against bishops of the UOC (MP). So far, the court has already handed down 15 guilty verdicts."

On August 7, 2023, the Vinnytsia City Court issued a verdict against Metropolitan Jonathan of the UOC, sentencing him to 5 years of imprisonment with property confiscation[3].

Metropolitan Pavel (Lebed), the abbot of the Kyiv-Pechersk Lavra, has been recently released on bail from prison. His case will soon be returned to court for a new verdict [4].

An analysis of the materials available from open sources leads to the conclusion that the main charges against these bishops are based on their statements, including those obtained through the interception of their private telephone conversations by security agencies.

In our view, there is a high risk of courts rendering unjust decisions in such cases, driven by a political agenda to persecute the UOC and its leaders, staging "show" trials to intimidate other believers and coerce them into renouncing their religious beliefs.

Due to these concerns, we call on international organizations, the UN OHCHR, UN special mandate holders, and the UN HRC to monitor these criminal proceedings and the verdicts issued in these cases[5].

We request the UNHRC and special mandate holders to use this statement as a formal complaint within the framework of UN Special Procedures and to respond to it by initiating the appropriate legal procedures.

- [1] <https://news.church.ua/2022/07/02/meri-rozumiyut-shho-rishennya-pro-zaboronu-upc-ce-lishe-politichnij-populizm/#2023-08-12>
- [2] <https://www.facebook.com/kpmrada/posts/pfbid0vY5fAt12iVgt2tDy26Gps9S39QcKJXhB6AcSejwE4zBZKDvLM8Mf79nbn2HC8KiE1>
- [3] <https://spzh.news/en/news/75327-legal-department-of-uoc-the-verdict-to-metropolitan-jonathan-is-unlawful>
- [4] <https://ssu.gov.ua/novyny/komentar-pressluzhby-sbu-shchodo-zapobizhnoho-zakhodu-mytopolytu-pavlu-lebidu>
- [5] <https://www.unian.ua/society/prapori-rosiyski-skriz-lyudi-dovolni-sbu-oprilyudnila-rozmovi-mitropolita-pavla-video-12201246.html>



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Agenda item 4

Human rights situations that require the Council's attention

Joint written statement* submitted by VšĮ "Žmogaus teisių apsauga", Public Organization "Public Advocacy", non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2023]

* Issued as received, in the language of submission only.

On the seizure of Kyiv-Pechersk Lavra temples, deprivation of bread and water, arrests of activists of the Ukrainian Orthodox Church

Our human rights organization draws the attention of the UN Human Rights Council, special mandate holders, diplomatic missions of the UN member states to the critical situation of the Ukrainian Orthodox Church (hereinafter referred to as the “UOC”) in the territory controlled by Ukraine.

As was previously reported, the Holy Dormition Monastery of the Ukrainian Orthodox Church has long been in possession of the buildings of the churches and the living quarters of the monks within the complex of properties managed on behalf of the state by the governmental entity National Reserve "Kyiv-Pechersk Lavra".

However, in 2023, state bodies and high-level politicians launched an information and legal campaign in Ukraine against the believers of the UOC, part of which involved widespread restrictions on the rights of religious organizations of the UOC (for more details, see A/HRC/52/NGO/44, A/HRC /52/NGO/157) and limitations on the rights of UOC believers to freedom of religion. Specifically, the governmental entity National Reserve "Kyiv-Pechersk Lavra" took a series of actions aimed at terminating agreements granting the UOC monastery the use of Lavra buildings. The above state enterprise initiated legal proceedings to terminate such an agreement and on August 11, 2023, completely blocked access for UOC believers to the territory of the Lower Lavra – the most visited part of the monastery, where sacred sites for the worship by believers are located. Additionally, access to the territory of the Lavra was prohibited for students and teachers of the Kyiv Theological Academy and Seminary, whose educational facilities are also part of the Lavra complex.

It should be noted that throughout this conflict, the authorities have repeatedly employed police and security forces to block the activities of believers and detained and arrested activists who were defending the Lavra.

For instance, the abbot of the Kyiv-Pechersk Lavra, Metropolitan Pavel (Lebed)[1], and human rights activist Viktoria Kokhanovska[2] were arrested, placed in custody and subjected to house arrest. They are currently facing criminal charges, primarily related to their public and private statements and rhetoric. Investigations into their cases are ongoing, and they are isolated from any public activities.

Regarding the substance of the state’s claims to the monastery, it’s noteworthy that the UOC monastery received possession and use of the temples and other buildings of the Kyiv-Pechersk Lavra in the 1990s as part of the state’s program of Ukraine to return the ownership or permanent use of cult property to religious organizations, where such property had been confiscated by the communist authorities.

Unfortunately, the state did not fully honor these obligations, as it handed over the property to the UOC monastery without transferring the ownership title to the UOC. Instead, the state retained ownership, including over the temples and buildings where the monks reside. Undoubtedly, in a rule-of-law state, it would be impossible to retain ownership title for its state-owned enterprise while simultaneously conducting a restitution process and call such a transaction as "restitution" of the buildings previously owned by the faithful. It is clear that the state has played a “foul game” with the believers, akin to fraudulent schemes. Now that the political trend has changed, we witness both police and legal excesses within the formalized process, facilitated through the judicial system, of “evicting” believers from the buildings that they had repaired and restored, all under the pretext of the alleged state’s "ownership rights" to the temples and monastic facilities. Yes, the ownership title is indeed registered in the registry under the state’s reserve name, but is it fair and lawful?

Thus, considering the grounds for the state’s ownership rights over the buildings of the Lavra complex, attention should be directed to the fact that even though the state enjoys the status

of title owner of the reserve's buildings, it fundamentally should not have owned this real estate due to the fact that according to Ukrainian legislation, cult property previously confiscated by the Soviet authorities from religious organizations should have been returned to their ownership or transferred for free and perpetual use to the successor religious organizations.

The actions of the police authorities in this matter should cause separate claims from the international community, which is genuinely concerned about the fate of international law and the observance of human rights. It is evident that the Ukrainian state seeks to cloak its clearly unlawful attempts to seize the temples from the UOC under the guise of "legal proceedings" and "legal legitimacy". However, at the same time, the police forces do not shy away from actions such as breaking into buildings (still belonging to the UOC) and even blocking believers inside these buildings, depriving them of food and water.

So, according to media reports[3]:

"In the Kyiv-Pechersk Lavra, the police prohibit delivering food and water to people who are inside a sealed building..."

The second day of the Lavra's complete blockade. We wanted to deliver bread and food to pilgrims who legally reside in their cells, but they are not allowed to bring any food, water, or medicine. A police officer standing behind me is preventing this, guarding so that no one enters there. I really don't know what to say. There are no words. I am proud of these defenders, Orthodox Christians who love the Orthodox Church, the Lavra, and the holy faith. Please, pray for them," said the KDAiS student.

On August 12, the Telegram channel "Lavra Now" published a video showing police officers preventing the delivery of bread to people located in one of the blocked buildings (Building No. 58). As noted by the UOC press service, some monks of the Kyiv-Pechersk Lavra are registered in this building as well.

"The actions of the police actually indicate that the organizers of the unlawful sealing of the Lavra buildings probably regard starvation as one of the means of expelling Orthodox monks and believers from the buildings that are sealed unlawfully by the Reserve," comments the UOC press service.

We cannot overlook such a blatant fact as the eviction of the premises occupied by the Theological Academy and the Seminary of the UOC[4]:

"The administration of the National Reserve "Kyiv-Pechersk Lavra" disallowed access to the territory of the monastery for students, teachers and other employees of the Kyiv Theological Academy and Seminary. This is said in the letter of acting Director General of the Reserve Maksym Ostapenko, addressed to the Ministry of Culture and Information Policy. A photocopy of the letter was published by the Lavra live Telegram channel.

Ostapenko writes that "due to the repeated obstruction of the work of the commission for sealing the buildings", the reserve, from August 11, 2023, by a special order closed the territory of the Lower Lavra for visitors, and also "determined the procedure for access to the territory of the Lower Lavra only for priests, monks, and attendants" of the monastery and the arrival/departure of its vehicles.

"The Reserve and the Theological Academy do not have contractual relations regarding the activities of the Theological Academy on the territory and in the buildings of the Lower Lavra, as well as regarding the stay of its students, teachers, and employees there," the letter says. "In view of the foregoing, the Reserve cannot give permission to students, teachers, and employees of the Theological Academy, since they are considered visitors, whose access to the territory of the Lower Lavra is closed according to the order of the Reserve."

In the context under consideration, it is important to understand the methods that the authorities can employ to “persuade” UOC believers about which church they should go to and which they should not. For instance, on August 19, 2023, the police blocked entrances to the UOC Cathedral in Kamyanyets-Podilskyi and began allowing pilgrims to leave through an exit, near which military recruitment officials were stationed, handing out conscription notices requiring all male believers of the UOC to report to the mobilization points.[5]

Concurrently, the mayor of this city declared that the authorities “would do everything to prevent the UOC procession from leaving the city,”[6] and police checkpoints blocked buses with UOC pilgrims[7].

We call on the UN Human Rights Council, UN Special Rapporteurs, and international organizations to respond to the presented facts and take measures to protect the rights of UOC believers.

For more detailed information on the UOC cases, please see: www.protiktor.com/54HRC

[1] <https://spzh.news/en/news/75431-kyiv-court-extends-restrictions-imposed-on-lavra-abbot>

[2] <https://spzh.news/en/news/75469-kokhanovskas-house-searched-due-to-justification-of-russian-aggression>

[3] <https://spzh.news/en/news/75401-in-lavra-police-forbid-to-deliver-food-water-to-people-in-sealed-building>

[4] <https://spzh.news/en/news/75547-reserve-denies-access-to-lavra-for-kdais-students-and-teachers>

[5] <https://spzh.news/ru/news/75560-vozle-sobora-v-kamentse-sotrudniki-ttsk-razdajut-povestki-palomnikam>

[6] <https://spzh.news/en/news/75539-kamyanyets-mayor-we-will-do-everything-to-prevent-the-cross-procession>

[7] <https://spzh.news/ru/news/75557-siloviki-blokirujut-palomnikov-na-mostu-v-khmelnytskuju-oblast>



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Agenda item 10

Technical assistance and capacity-building

Joint written statement* submitted by Public Organization "Public Advocacy", VšĮ "Žmogaus teisių apsauga", non- governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2023]

* Issued as received, in the language of submission only.

On the appeal of the Kyiv Theological Academy and Seminary of the Ukrainian Orthodox Church to the UN HRC, UN OHCHR, UN special mandate holders, international organisations in connection with violations of their rights in Ukraine

Our human rights organization urges the UN Human Rights Council, UN special mandate holders, representatives of missions of UN Member States and international organisations to take note of the violations of the rights of millions of believers of the Ukrainian Orthodox Church. In this statement, we publish an open appeal of the Kyiv Theological Academy and Seminary of the UOC – the oldest educational institutions, which are disallowed by the state authorities of Ukraine to continue their peaceful educational and enlightening activities:

From a statement by Kyiv Theological Academy and Seminary addressed to the UN Human Rights Council, UN OHCHR special mandate holders and international organisations, full text available at www.protiktor.com/54HRC:

“1. About the existence, number of students and teachers.

The Kyiv Theological Academy and Seminary (hereinafter referred to as the Academy) is an autonomous educational institution and operates as a higher theological educational institution directly subordinated to the Primate of the Ukrainian Orthodox Church, which provides higher spiritual education specializing in "Orthodox theology".

In the 20th century The Kyiv Theological Academy and Seminary were closed twice by the Soviet authorities. After the celebration of the 1000th anniversary of the Baptism of Russia in 1988, when the Soviet government relaxed its atheistic policy, the premises on the territory of the Kyiv-Pechersk Lavra were partially transferred to the use of the Church. This was allowed in 1989 to restore the Kyiv Theological Seminary here. And in 1992, the Kyiv Theological Academy was revived. So, since 1989, the Academy has been located on the territory of the Kyiv-Pechersk Lavra.

Today, more than 250 students' study at the Academy at the bachelor's, master's and postgraduate level. More than 500 students' study in the correspondence sector. About 100 teachers and employees work at the Academy. Several tens of thousands of copies of books from various fields of science are kept in the library of the Academy. Education, accommodation and food at the Academy are free for residential students. At the same time, the Academy provides food for students. Therefore, the Academy has a kitchen, dining room, and food warehouses.

2. About the grounds for obtaining use and ownership of premises.

In 1988, when the Soviet Union was inevitably coming to an end, the state transferred some of the Lavra churches and buildings for use by the Church. The monks began to gradually return to the monastery. In 1989, the revival of the Kyiv Theological Seminary began, which was also located on the territory of the Lavra. In 1992, the revived Kyiv Theological Academy started working here.

Fulfilling restitutionally obligations, starting from 1990, the state, through various state bodies and enterprises, made such a return, as a result of which the Academy began its activities on the territory of the Kyiv-Pechersk Lavra.

The mass media repeatedly reported that the Academy is illegally located on the territory of the Lavra, as the 2013 contract contains a clause that prohibits the monastery from subleasing any premises to other organizations. But the Academy was located on the territory of the Lavra long before 2013. And during the conclusion of the lease agreement between the Reserve and the Lavra in 2013, this fact was taken into account.

Also, a document from 1990 is preserved in the archives of the Kyiv Theological Academy. This is an act of transferring some objects on the territory of the Lavra to the Church. This act states that the General Director of the Reserve, in compliance with the Resolution of the Council of Ministers of the Ukrainian SSR dated April 28, 1990 No. 99 "On the transfer of certain objects of the museum association "Kyiv-Pechersk State Historical and Cultural Reserve" to the Ukrainian Orthodox Church», transfers buildings for use by the Church. The then rector of the Archpriest Kyiv Theological Seminary accepted these corpuses from the Reserve. Currently, these buildings house the administrative part and classrooms of the Academy (building No. 64) and the Library of the Academy (building No. 63). Thus, the Kyiv Theological Schools received the use of these buildings directly from the Reserve, and not from the Lavra.

Since 1990, the Academy has openly and continuously owned buildings 55, 60, 63, 64, together with them, the state did not give up the title of owner of these premises in favor of the religious organizations of the Ukrainian Orthodox Church, despite the numerous requests of the Ukrainian Orthodox Church.

3. About restoration of premises and improvements.

The buildings in which the Academy's classrooms are now located (buildings 63 and 64) were handed over to the Church in a state of emergency. The Academy carried out a general reconstruction of these buildings at its own expense. In addition, two dormitories (buildings 55 and 60) were equipped at the expense of the Academy. Since 2008, the Church and Archeological Museum has also been created in the Academy, which contains many valuable exhibits. The Academy maintains all these buildings at its own expense.

It should be noted that the efforts of the Academy carried out a major restoration of the Lavra Church of the Nativity of the Mother of God (which is an academic church). All restoration works of this monument were carried out at the expense of the educational institution and in accordance with the permits and recommendations of the institutions of the Ministry of Culture of Ukraine.

4. About restricting access to buildings.

Since 1992, the Kyiv Theological Academy, has been located on the territory of the Kyiv-Pechersk Lavra monastery. However, on March 10, 2023, the National Historical and Cultural Reserve "Kyiv-Pechersk Lavra" sent a letter to the monastery of Kyiv-Pechersk Lavra, in which it announced that from March 29, 2023, the lease agreement for the premises of the "Nizhnaya Lavra" will be terminated, and accordingly, all buildings currently used by the Church should be vacated [1].

The Reserve's decision to terminate the lease agreement was motivated by violations found in the use of the buildings transferred to the monastery. At the same time, the Academy did not receive any documents indicating that any violations were detected in educational and residential buildings No. 63, No. 64, No. 55 and No. 60. If such violations are detected, we are ready to eliminate them in cooperation with representatives of UNESCO and the National Historical and Cultural Reserve "Kyiv-Pechersk Lavra".

5. About the non-admission of students, teachers and the actual blocking of the Academy's activities.

We draw attention to the fact that the Academy openly owned the premises of the educational buildings for a long time, while all these years the state did not have any claims to the existence of our educational institution on the territory of the Lavra, and we considered the fact of transferring these premises to us as a comprehensive decision of the state to return all property Kyiv-Pechersk Lavra to its historical owner - the male Holy Assumption Monastery of the Ukrainian Orthodox Church.

Thus, the restitution decision on the return of property to the Ukrainian Orthodox Church was executed by the state through the conclusion of contracts of various legal content between the National Historical and Cultural Reserve "Kyiv-Pechersk Lavra" and the legal entity of the Ukrainian Orthodox Church - the men's monastery "Holy Assumption Kyiv-Pechersk Lavra", at therefore, the Academy was not a party to this contract, but was and remains a bona fide and open owner and user of the premises of buildings 55, 60, 63, 64.

Currently, legal proceedings are ongoing between the parties to the above-mentioned contract, but the Academy has not yet been involved in these legal disputes as an interested party, and there is also no court decision on the eviction of our educational institution from the premises belonging to us [2].

Meanwhile, without any court decision that has entered into legal force, the state has effectively deprived us of the opportunity to use the premises, and students can lose the opportunity to use places for living in dormitories at any time [3]. Also, in connection with the decision of the Reserve, students, teachers and employees of the Academy are prohibited from entering the territory of the Lavra, which actually limits access to the premises and makes it impossible to start the academic year [4].

We ask the addressees of this appeal to pay attention to the conditions of our educational institution and to take measures to protect our rights, as well as to contribute to the elimination of the threat of further inter-religious confrontations in Ukraine”.

We earnestly implore the UN HRC, UN Special Rapporteurs, and representatives of the diplomatic missions of UN member states to respond to this statement in accordance with their mandates by taking specific actions and decisions.

The full statement, as well as additional materials, is available at: www.protiktor.com/54HRC

Kyiv Theological Academy and Seminary of the Ukrainian Orthodox Church, NGO(s) without consultative status, also share the views expressed in this statement.

[1] <https://www.kplavra.kyiv.ua/ua/node/3521>

[2] <https://www.kplavra.kyiv.ua/ua/node/3519>

[3] <https://www.kplavra.kyiv.ua/ua/node/3520>

<https://www.kplavra.kyiv.ua/ua/node/3528>

[4] https://www.facebook.com/kplavra/posts/690477876456354?ref=embed_post

<http://kdais.kiev.ua/event/novyna-10082023/>



General Assembly

Distr.: General
XX February 2023

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Human Rights Council

Fifty-second session

27 February–31 March 2023

Agenda item 9

Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action

Written statement* submitted by Public Organization "Public Advocacy", a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 February 2023]

* Issued as received, in the language of submission only.

Case Study Update: New Criminal Cases Against the Orthodox in Ukraine

At this regular session of the UNHRC, we have filed several statements regarding violations of the rights of believers of the Ukrainian Orthodox Church. One of them concerns bills that were recently tabled to the Parliament of Ukraine on banning the activities of this denomination in Ukraine. The second statement concerns the illegal termination of the rights of the UOC monastery to the buildings of the Refectory Church and the Assumption Cathedral of the Kyiv-Pechersk Lavra. Please read these statements, as well as our database of violations of the rights of UOC believers at <https://www.protiktor.com/eng/unhrc52session/> with updated legal and media information about the current situation in the UOC.

Regarding this statement, we want to highlight some of the facts and trends evolving in Ukraine at the time of this statement:

1. As noted earlier, law enforcement agencies of Ukraine conducted dozens of searches in monasteries, eparchies and churches of the UOC, both as part of open criminal proceedings and as counterintelligence activities. Following these searches, the media reported the discovered literature and money, which may indicate illegal activities. We believe that many publications in the media, including on state resources, were biased and sometimes hostile towards the UOC, and should be qualified as hate speech and attempts to cast the believers of Ukraine as enemies. We are extremely concerned about the fact that posts on official law enforcement websites fuel such rhetoric and lead to new offenses against the UOC believers.

Below is a publication from the SBU website:

"The Security Service has completed counter-intelligence (security) measures at the facilities of the UOC (MP) in the Kherson, Kirovohrad, Dnipropetrovsk and Rivne regions. Libraries with pro-Kremlin literature, propaganda leaflets of political parties banned in Ukraine, and Russian symbols were found on the territory of the churches. As a result of investigative and operative actions, the secretary of the Kirovohrad Eparchy was notified of the suspicion under Part 1 of Art. 161 of the Criminal Code of Ukraine (violation of the equality of citizens based on their racial, national, regional affiliation and religious beliefs). In addition, former warehouses with the property of the RF occupation groups were discovered on the territory of the Church of St. Righteous John of Kronstadt in the Kherson region. It was established that the invaders had arranged them with the assistance of the rector of the church, Archpriest Anatoly Kornev. He liaised with the leadership of the occupation administration and was in direct contact with the FSB representatives. During the liberation of Kherson, the cleric fled with his Russian "supervisors" to the left bank of the Dnieper. Propaganda materials of a public association headed by Viktor Medvedchuk, suspected of high treason, were discovered on the premises of the Holy Trinity Mezhyrtsky Monastery in the Rivne region. In the Dnipropetrovsk region, SBU employees prevented an attempt to remove pro-Kremlin literature from the local diocese. When leaving the territory of the church, law enforcement officers stopped a car, from which they seized a copy of the brochures of the banned party and other anti-Ukrainian materials. All discovered evidence has been sent for examination. Other procedural actions will be subsequently taken to bring the culprits to justice. ..."[1]

Such a disclosure in the SBU's report, in our opinion, unequivocally triggers a hostile attitude towards the UOC believers in society. The SBU should have refrained from such public estimations until the judiciary delivers convictions against specific persons guilty of committing certain crimes. In the absence of such verdicts, as well as arrested persons, such rhetoric in official messages of the central security body has no other purpose than to set a public trend to condemn the very fact of the existence of the Ukrainian Orthodox Church.

2. Measures of unjustified criminal procedural coercion have already been applied to some UOC clerics. Moreover, the UOC clerics are accused of statements made in relation to the denomination, which is actually responsible for the seizure of churches, beatings of believers and other illegal actions.

Most of the accused UOC clerics spoke about the non-canoncity of clergy of another confession, and only the court can establish whether these statements exceeded the limit of value judgments, recognized by international law as part of freedom of speech. In other words, the law considers criticism, even harsh criticism, acceptable. Only exceeding the permissible limits involves liability. However, such liability does not always have to be criminal, hence to apply such measures as detention and arrest for value judgments and legitimate criticism is too severe a punishment that does not correspond to the gravity of the offense committed.

Let's dwell in more detail on some specific cases:

- The Lenin District Court of Kropyvnytskyi city selected a preventive measure in the form of round-the-clock house arrest against the secretary of the Kirovohrad diocese of the UOC, Archpriest Roman Kondratiuk, who is charged with "inciting religious enmity and hatred."

The regional prosecutor's office turned to the court with a request to prohibit the priest from leaving his place of residence, since he can hide and illegally influence witnesses. Despite the objections of the defense and the arguments that Father Roman is the only breadwinner of the family, the judge placed him under round-the-clock house arrest until February 28. [2]

- The same court extended a preventive measure in the form of night house arrest for the former ruling bishop of the Kirovohrad diocese, Metropolitan Joasaph (Huben). The Metropolitan is suspected of inciting religious enmity and hatred. During the court hearing on January 30, 2023, the prosecution demanded a tougher preventive measure and a round-the-clock house arrest, but the judge decided to leave him under night arrest. According to the investigation, "realizing his criminal intention regarding the distribution of literature that contains public statements that have signs of inciting hostility and hatred based on religious preferences," the bishop nevertheless presented such literature published in Russia at a meeting of Kirovohrad diocese deans of the UOC and also distributed it to other dioceses.[3]

- Criminal proceedings were opened against the abbot of the Kyiv-Pechersk Lavra, Metropolitan of the UOC Pavel (Lebed) for his statements, which according to the prosecution, are aimed at inciting religious hatred. In this case, the media reported, "The Security Service of Ukraine is investigating criminal proceedings against the abbot of the Kyiv-Pechersk Lavra of the UOC-MP Pavel (Lebed).[4]

- Metropolitan of the UOC Jonathan (Yeletsykh) is also facing criminal charges. According to media reports, "Pursuant to the conclusions of an independent examination, initiated by the SBU, the metropolitan carried out deliberate actions aimed at inciting religious enmity and insulting the feelings of citizens based on their religious beliefs. Relevant materials were posted on the priest's personal website," the Security Service reports.[5]

We believe that placing people under arrest for giving their opinions, whatever they may be, is not an adequate measure of responsibility, even if they are guilty.

However, we want to draw attention to the fact that a huge number of criminal cases for hostile narratives by supporters of the opposite camp remain unpunished. There is not a single response of the authorities to hate speech of radicals, politicians, political experts, hierarchs of other faiths toward the clergy and believers of the UOC despite the fact that since 2015 the law enforcement system has received hundreds of applications to open criminal proceedings under the same article 161 of the Criminal Code of Ukraine!

We are convinced that UOC believers should resume filing such applications so that the law enforcement system could see who is really engaged in hate-mongering, especially if this rhetoric turns into raids of UOC churches and violence against UOC believers. Here is an example of a statement from the Ukrainian political analysts in relation to the UOC believers-participants in the religious procession: "It must be broadcast through all channels that all

participants in the procession will be crucified behind the front line. Secondly, crosses should be placed on the roadsides in advance. The effect will be stunning.”[6]

Here is a quote from another media program: “Believing Orthodox, you have little brain if you’re members of Kirill’s schism and bring money to this ‘church’, which then returns in bullets. Every person who is a member of this church is a member of Putin’s Kremlin organization, which conducts broad anti-Ukrainian activities.”[7]

Another example – during one of his sermons, Metropolitan Mykhailo Zinkevich of the OCU said with absolute impunity that "each candle bought in a UOC-MP temple is a bullet, which will then be used to kill a Ukrainian soldier.”[8]

We urge and ask the international community to protect the clerics and believers of the UOC from unreasonable prosecution for the rhetoric, whose criminality is controversial, given the more aggressive rhetoric from the opposing camp, which remains completely unpunished.

For more details, see the link to evidence of the current situation of the UOC: <https://www.protiktor.com/eng/unhrc52session/>

, NGO(s) without consultative status, also share the views expressed in this statement.

[1] <https://ssu.gov.ua/novyny/sbu-vyivavyla-v-yeparkhiiakh-upts-mp-ahitatsiini-lystivky-obiednannia-medvedchuka-rosiiski-trykolory-ta-kolyshni-sklady-okupantiv>

[2] <https://spzh.news/ru/news/71668-sekretarja-kirovohradskoj-eparkhii-upts-otpravili-pod-domashnij-arest>

[3] <https://spzh.news/ru/news/71627-sud-prodlil-nochnoj-domashnij-arest-mitropolita-ioasafa>

[4] <https://ukranews.com/news/910746-protiv-namestnika-kievo-pecherskoj-lavry-pavla-vozbudili-ugolovnoe-delo-unizhal-ptsu>

[5] https://lb.ua/society/2022/11/07/535045_mitropolitu_upts_ionafanu_povidomili.html

[6] <https://antikor.com.ua/articles/112030-romanenko-predlohil-prigrozitj-uchastnikam-krestnogo-hoda-s-donbassa-raspjatiem-na-krestah>

[7] <https://spzh.news/ru/zashhita-very/30259-lvovskiy-telekanal-zik-my-dolzhen-pokonchit-s-upts-kak-pokonchili-s-kommunistami>

[8] <https://raskolam.net/ru/1531-%D0%B1%D1%80%D0%B0%D1%82-%D0%BE%D0%B4%D1%96%D0%BE%D0%B7%D0%BD%D0%BE%D0%B3%D0%BE-%D0%BC%D0%B8%D1%82%D1%80%D0%BE%D0%BF%D0%BE%D0%BB%D0%B8%D1%82%D0%B0-%D1%83%D0%BF%D1%86-%D0%BA%D0%BF-%D1%81%D0%BA%D1%83>



General Assembly

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Human Rights Council

Forty-fifth session

14 September–2 October 2020

Agenda item 10

Technical assistance and capacity-building

Written statement* submitted by Public Organization "Public Advocacy", a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.


[17 August 2020]

* Issued as received, in the language(s) of submission only.

GE.20-12777(E)



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On acts of religious enmity of state agents in Ukraine toward the Ukrainian Orthodox Church

Our human rights organization reiterates the escalation of religious hatred in Ukraine in relation to the believers of the Ukrainian Orthodox Church (UOC) of the Moscow Patriarchate. Unfortunately, despite the change of power in Ukraine, the new politicians were unable to change the vector of attitudes towards the Orthodox Church and to ensure equal treatment of all confessions on the basis of law.

The violations committed against the believers of the UOC in 2015-2019¹ have been not eliminated practically: the seized temples were not returned to the communities, numerous criminal proceedings, opened on the facts of beating believers and attacks on temples, were never transferred to courts, while the perpetrators were not punished.

The appeals of the Holy Synod of the UOC² regarding the facts of persecution of the clergy of this Church by the intelligence services, the refusal of the authorities to register statutes of religious organizations of the UOC, attempts to forcibly rename the UOC into the "Moscow Church" – all these did not receive a proper response from the authorities.

Despite the decrease in the total number of unlawful seizures of the UOC property, aggression towards Orthodox believers remains a problem. Hatred for this confession in society is being constantly heated up, which leads to new conflicts.

For example, at 18:00 on July 14, 2020, the local authorities of Zolochiv held a “veche” [“popular assembly”] against the canonical Church near the house of priest Maxim Yenko, clergyman of the Lviv Eparchy of the UOC, to which the mayor Igor Grinkiv had brought a sledgehammer. The mayor published the “veche” video on his Facebook page³.

He personally moderated the event and called on the participants in the meeting “to act in accordance with the law”, adding that “no one oppresses” the cleric of the UOC.

“We do not want to get there. We ‘stick to our own guns’,” said the official who had brought along a sledgehammer to the house of the clergyman, after which the anthem of Ukraine sounded.

Grinkiv told the audience that the City Council had decided to request Maxim Kozitsky, head of the Lviv Regional State Administration, to prevent the construction of the UOC church “under the guise of a residential building” in Zolochiv city. Allegedly, the “practice of spontaneous construction of temples” of the canonical Church in other localities prompted local authorities to vote for such a decision.

According to him, the City Council ordered that video surveillance be established in Trush Street (the clergyman’s house of the UOC is located there) in order to “ensure the safety of the city’s residents” and record “unlawful actions” of the builder (priest Maxim Yenko).

Grinkiv announced the intention of the City Council to appeal to the President of Ukraine and Members of Parliament of the Verkhovna Rada of Ukraine with a request to ban the activities of the UOC in the country and explained that he had brought a sledgehammer to the clergyman’s house as a “symbol”. The official recalled how earlier, with the help of sledgehammers and hammers, the residents of the city would oppose illegal development.

“We did not wait for a legal solution; we came as a whole community and said ‘no’ to arbitrary construction’. We did not aim to demolish the constructions. Our target was to get across that the law is one for all,” he added.

The mayor of Zolochiv said that “complete interfaith unity reigns in the city”, and informed the audience that he felt like breaking the fence with a hammer, but he did not want to stir up the population to conflict. Then the mayor referred to the reconstruction of the private house of the UOC clergyman as a “provocation”.

¹ A/HRC/42/NGO/19; A/HRC/42/NGO/20; A/HRC/41/NGO/21; A/HRC/41/NGO/22.

² A/HRC/42/NGO/20.

³ <https://www.facebook.com/zolochiv.misto/videos/2806349526276526/>.

“The biggest provocation that happens here is what is behind the fence. It was they who staged a provocation,” Grinkiv emphasized.

He said that the believers of the UOC should have asked the local authorities about the construction of the temple and immediately added that the canonical Church allegedly refused to provide funeral service for Anti-Terrorist Operation (ATO) soldiers and pray for the enemy. The mayor of Zolochiv vowed that unless Father Maxim dismantled the fence, then next time law enforcement officers would not “convince” the residents of the city not to use a sledgehammer.

“Documents on the right of ownership and on the reconstruction of the residential building where the priest lives are in order,” said the head of the UOC Legal Department on his Facebook page. “On the territory of the household, in addition to repairs in the rooms, no work is being carried out. A question arises: On what ground did the mayor decide that a church is being built? Indeed, on the territory of the house, there is even no construction equipment, they do not dig trenches under the foundation and do not pour concrete. There is no evidence of a church being under construction. It turns out they only suggested that a church could probably be built on this land. You know, there you can build a store, a car park, a gas station; you can build a lot there, as you might have guessed? The fence is in the wrong place! <...> A trailer stands on a private land plot. Do you know that the owner can put at least 10 trailers on his land plot?”

He said that in Zolochiv, three land plots were allocated for the Ukrainian Greek-Catholic Church (UGCC), two for the Orthodox Church of Ukraine and one for the Roman Catholic Church, “but they want to deprive the UOC priest of his own private housing, and the local residents are divided on a religious ground”.

“They organized a veche. Why not a gathering? Or, maybe, a hangout? Such a form of organizing a meeting of a territorial community as a veche is not provided for by law, therefore, any decisions made at such meetings are illegal and void. <...> They banned the activity of the religious community of the UOC, really? Maybe, they will also declare war on Poland?” added the head of the UOC Legal Department.

The clergyman recalled that a religious community can carry out its activities without registration.

Representatives of the Zolochiv local government show outright hatred for UOC believers, said Bishop Victor (Kotsaba) of Baryshevka, head of the UOC Representation to European and International Organizations.

“Again, we can hear slanderous statements of various persons, including clergymen of other faiths, that the UOC allegedly “does not perform a funeral service for ATO soldiers” and “helps the enemy”. It should be noted that in any civilized country such statements and actions are classified as open manifestations of hatred for a religious group, in this case – the Ukrainian Orthodox Church,” the UOC Information and Education Department cites the words of Bishop Victor.

The bishop reminded the participants of the “veche” against the UOC in Zolochiv that Ukrainian and international laws prohibit “obstructing legitimate actions of the owner regardless of how he/she plans to use the building in his/her ownership”. He also recalled that in Ukraine, which has undertaken a number of obligations to fully protect human rights in its territory, freedom of religion is guaranteed. “No one can forbid a clergyman to worship at home or in other structures at the request of the faithful and in their presence,” Bishop Victor emphasized.

In his opinion, the speech and comments of certain state agents and local authorities of the Lviv region regarding repair and construction work in the private section of the UOC cleric in Zolochiv indicate complete ignorance of the above persons with respect to discrimination and the rule of law provided for by international law.

However, criticism of the actions of the authorities by the media did not lead to any result. Law enforcement agencies were inactive. Eventually, on August 6, 2020, masked activists destroyed the fence of the private house of the UOC cleric, priest Maxim Yoenko, whom the representatives of the UGCC and local authorities unfoundedly accused of illegally building

a church in his yard. According to him, at about 9.30 a.m., 20 masked young men approached the fence and destroyed it with hammers.

On August 6, 2020, the Lviv National Corps published a video statement in which it was announced that the attack on the private house of the UOC cleric, priest Maksim Yoenko, is due to the fact that the Moscow Patriarchate is engaged in "illegal worship" on the site. The video was published on the page of NC "Lvivshchyna" on Facebook.

The activists claim they "disrupted the illegal construction of a Moscow church in Zolochiv," where the UOC, according to them, "holds illegal and undeclared services."

"We will not allow representatives of the Moscow Patriarchate to expand in the Lviv region," activists say⁴.

We request the Human Rights Council to take specific actions to fight human rights violations motivated by religious intolerance in Ukraine.

⁴ <https://spzh.news/en/news/73713-lyvovskij-hackoppyc-pohvystal-napadenijem-na-dom-svyashhennika-upc-v-zolocheve>.



General Assembly

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20 June 2019

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Human Rights Council

Forty-first session

24 June–12 July 2019

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by Public Organization "Public Advocacy", a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2019]

* Issued as received, in the language(s) of submission only.



On violations of the rights of the Ukrainian Orthodox Church

1. About the Submitting NGO and the sources of evidence of the rights violations.

Since 2015, our organization have been monitoring the observance of the rights and freedoms of believers of the Ukrainian Orthodox Church (UOC) in the Lvov, Rovne, Ternopol, Volyn, Kiev, Zhitomir, Nikolayev, Kherson, Khmelnytsky, Vinnytsia regions. As a result, we have established numerous facts of violations of the rights of the UOC.

The findings of our work are confirmed by the following:

A statement on current stance with human rights in Ukraine over 16 November 2015 – 15 February 15, 2016 by the Office of the United Nations High Commissioner for Human Rights¹ (Para. 119-120);

A report of the US State Department on Religious Freedom in the World of 2015,²

Bulletin of the OSCE SMM during the monitoring period,³

Reports of human rights organizations,⁴

Human Rights Council Working Group on the Universal Periodic Review Twenty-eighth session Geneva, 6-17 November 2017.⁵

2. Hate speeches and incitement to perpetration of crimes with regard to the UOC believers.

Hate mongering in relation to the Ukrainian Orthodox Church is regrettably of systemic nature and lacks due assessment by the state power bodies. Even direct calls to committing grievous offences with regard to the UOC believers do not lead to any response on the part of the law enforcement authorities.

For instance, deputies of Ternopol Regional Council make official and public decisions containing defamatory and discriminatory accusations of the UOC religious organization – the Holy Dormition Pochayev Lavra. In fact, one of the decisions made at the council sessions pointed to the following: “...the focal centre of anti-Ukrainian activity and inter-religious conflict...– the Pochayev Lavra of Holy Dormition. Under the “canonical” guise the Ukrainian Orthodox Church of Moscow Patriarchate actually intends to russify the Ukrainian population assisting the invaders.”

In July 2016 a peaceful procession was held in Ukraine – All-Ukrainian Cross Procession with over 80 thousand believers of the Ukrainian Orthodox Church participating in it. Despite a peaceful character of the religious procession, it was subject to discriminatory attacks, hate speech, forceful obstacles and other actions, including those characteristic of gravest criminal offences. The above listed urges and remarks were not at all condemned or counteracted by the state bodies, which created favorable conditions for committing

¹ www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016_ru.pdf

² https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dynamic_load_id=256253&year=2015#wrapper, <http://news.church.ua/2016/08/12/v-gosdepartamente-ssha-soobshhili-o-narusheniyax-prav-veruyushhix-v-ukraine/?lang=ru>

³ Information message of the OSCE mission on the results of observation of the grips of churches of the UOC and other conflicts in the religious sphere in Ukraine www.potiktor.com/english

⁴ https://www.upr-info.org/sites/default/files/document/ukraine/session_28_-_november_2017/adf_international_upr28_ukr_e_main.pdf

⁵ https://www.upr-info.org/sites/default/files/document/ukraine/session_28_-_november_2017/a_hrc_wg.6_28_1.13.pdf

offences with regard to the Cross Procession participants such as threats to damage property and inflict physical injuries.⁶

3. Church seizures, arsons and plundering

Over the period of 2014-2017 across the territory of Ukraine there have been undertaken over 70 open assaults of worship buildings which belong to the Ukrainian Orthodox Church, mostly in Rovno, Ternopol and Volyn regions. The precise number of conflicts which have not grown into forceful seizures is not known, however, they exceed several hundred incidents. A considerable part of raids ended up with an actual takeover of temples and their further transfer into disposal by religious organizations of the Kiev Patriarchate. Another part of worship buildings remains sealed, including upon the agreement of conflicting parties or by virtue of decisions taken by local authorities.

Despite numerous facts of filing applications by the UOC communities to the law enforcement authorities on perpetration of criminal offences against these communities are not investigated.

The current situation of outspoken discrimination of the UOC and failure of the authorities to respond to overt cases of perpetrating crimes has led to a criminal upsurge relating to the UOC property. For example, in 2016 only in one Kiev eparchy the unknown persons committed acts of arson and desecration with 5 UOC temples. In October 2016 Chancellor of Sarny diocese Metropolitan Anatoly of Sarny and Polesye addressed the President of Ukraine with a request to defend UOC temples in Rovno region against desecration and assaults of vandals. In 2015 year over 20 acts of vandalism and looting were committed in Rovno region.

4. Dynamic actions of the state power bodies on discrimination of the UOC rights.

In an array of cases public authorities were openly supportive of the UOC-KP confession adherents in the conflict situations, resorting to a legal and forceful action in favor of the Kiev Patriarchate. In fact, in the wake of attempts to raid a church in Kutly village of Kremenets district of Ternopol region, Ternopol Regional Council filed a suit to the court on withdrawal of the ownership of the Ukrainian Orthodox Church community in Kutly village.

Additionally, after the beginning of the military strife in Ptichya village, Rovno region, a state body – the village council – made a decision to establish an alternate use of the church building together with the community of the Kiev Patriarchate despite the fact the UOC community had the property right to the building. After this decision had been cancelled by the court, law enforcement bodies initiated a criminal proceeding upon the risk of temple destruction by non-identified persons and applied to the court to arrest the temple building as evidence on the case. This request was satisfied by the court, as a consequence of which the temple was sealed by the law enforcement representatives with a view to prohibiting the temple owner – UOC community – to use their property. The described legal strategy was caused by the four court rulings in favor of the UOC community and arose from the local judicial branch using its authorities upon a legal address, which does not foresee the community's right to challenge a decision of local courts within the national legal system. The UOC community of Ptichya village lodged a respective complaint upon the matter with the European Court for Human Rights.

An active position was taken by the state law enforcement bodies in Katerinovka village of Ternopol region, having employed rubber truncheons and physical force toward peaceful believers who had gathered to defend their rights and 14 of whom eventually suffered bodily damage, including fractured limbs and severe head injuries. Among the aggrieved were women, elderly people and students. Upon these actions of the law enforcement authorities the prosecutor's office in Ternopol region opened a criminal case, which has not yet resulted in bringing any of the persons involved to justice.

⁶ Refer to the Reply of the UOC Chancellor dated 2016: <http://news.church.ua/2016/12/31/zvit-keruyuchogo-spravami-ukrajinskoji-pravoslavnoji-cerkvi-za-2016-rik/>

Besides, an executive committee of Zhitomir city council “with a view to preventing clashes and conflicts between participants of civil assemblies” turned to the court having an intention to change the itinerary of the religious column of All-Ukrainian Cross Procession. The administrative court of Zhitomir resolved to decline the consideration of the legal claim of the executive committee of Zhitomir city council to Zhitomir UOC diocese on restrictions of the Cross Procession⁷.

22.07.2016 Borispol city council adopted a decision “On prohibition of the Cross Procession of peace of the Ukrainian Orthodox Church (Moscow Patriarchate) through Borispol city”⁸. Albeit this body is not empowered to restrict peaceful processions, this decision was subsequently used by the UOC opponents to create forced obstacles for the Cross Procession participants.

5. Overt calls to commit crimes against the UOC

Calls of radical groups to commit crimes against the UOC and seize its churches galvanized at the end of 2017 / early 2018. In particular, during the seizure of a church in Kolomiya village, representatives of radical organizations were calling for the persecution of believers on the basis of their affiliation to the UOC.

In 2018, radical group “C14” has committed a number of overt crimes against the believers of the UOC by:

- organizing a manifestation near the Kiev-Pechersk Lavra, during which the faithful of the UOC were publicly called “agents of the FSB and the Kremlin”. The radicals also demanded to withdraw a building of the monastery from the possession of the UOC. These slogans were publicly demonstrated.
- publicly damaging the property of the Desyatynny Monastery in Kiev, destroying part of the fence of the monastery. Some unknown persons made an attempt to set the church building on fire using an incendiary mixture. The suspects of the arson were detained by the police.
- attacking the office of the Union of Orthodox Journalists, who cover in their publications the facts of human rights violations against the UOC.

In accordance with the established rules of procedure of the UN Human Rights Council, following the above mentioned violations, both individual and collective complaints were submitted by the faithful and religious organizations of the UOC for the period of 2015-2017.

In connection with what has been stated, we express our utmost concern about the situation that threatens to undermine religious peace in Ukraine. We call on the international community and responsible human rights bodies to immediately intervene into the evolving religious confrontation in Ukraine.

We strongly emphasize the real threat of massive grave crimes against the faithful and religious organizations of the UOC in Ukraine.

⁷ <http://rian.com.ua/society/20160719/1013361891.html>

⁸ https://www.facebook.com/permalink.php?story_fbid=943059639149596&id=715896135199282